



प्राधिकार से प्रकाशित
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इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके

**Separate Paging is given to this Part in order that it may be filed as a
separate compilation**

भाग II—खण्ड 3—उप-खण्ड (ii)
PART II—Section 3—Sub-Section (ii)

(रक्षा मंत्रालय को छोड़ कर) भारत सरकार के मंत्रालयों द्वारा जारी किए गए सांख्यिक आदेश और अधिसूचनाएं
Statutory Orders and Notifications issued by the Ministries of the Government of India (other than the Ministry of Defence)

पैट्रोलियम और प्राकृतिक गैस मंत्रालय

नई दिल्ली, २८ मार्च, १९८९

का. आ. 1592. --यतः पेट्रोलियम और खनिज पाटप्लाइन अधिनियमों के अधिकांश का अर्जन अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (i) के अधीन भाग्य सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना का. आ. सं. 136, तारीख, 21-1-89 द्वारा केन्द्रीय सरकार ने उस अधिसूचना में संलग्न अनुसूची में विनिर्दिष्ट स्थानों में उपयोग के अधिकार को पाटप्लाइनों को विद्युत के लिए खनिज करने का अपना प्राथम्य प्रोषित कर दिया था।

और यन् सश्रम प्राधिकारी ने उक्त अधिनियम की धारा 6 की उप-धारा (1) के अधीन सरकार को रिपोर्ट दे दी है।

श्रीर आगे, यत. केन्द्रीय सरकार ने इस रिपोर्ट पर विचार करने के पश्चात् हम अधिमूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमिगत में उपयोग का अधिकार प्रर्जित करने का विनिश्चय किया है

अब, अतः उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्ति का प्रयोग करने हेतु केन्द्रीय सरकार पत्रद्वारा घोषित करती है कि उक्त अधिनियम में संशोधन अतः अधिनियम में विनिर्दिष्ट उक्त धर्मियों में उक्त

योग का अधिकार पाठ्यमाला के विद्यार्थियों के लिए प्रदान किया जा रहा है।

और आगे उस धारा की उपधायाँ (1) द्वारा प्रदत्त शक्तियों का प्रयोग करने हुए केंद्रीय सरकार निर्देश देगी है कि उसकी शक्तियों में उपयोग का अधिकार केंद्रीय सरकार में निहित होवे की बजाय तेल और प्राकृतिक गैस आयोग में, यथा बाधाओं से मुक्त रूप में धोतणा के प्रकाशन की दृश्य शक्ति को निहित होगा।

अनमर्चा

जे. ऐन. ए. वय मे टी बिन्दु तक पाठ्य लाइन बिछाने के लिए।

राज्य : मजगास जिला : मास ताळिका : जेवम

गाँव	सर्वे न०	हेक्टेयर	आर०	मेन्टेयर
जेथ्यार	1798	0	01	50
	1767	0	03	91

[सं O-11027/7/38-प्रो एन जी -डी-III]

MINISTRY OF PETROLEUM & NATURAL GAS

New Delhi, the 28th March, 1989

S.O. 1592.—Whereas by notification of the Government of India in the Ministry of Petroleum and Natural Gas S.O. 136, dated 21-1-89 under sub-section (1) of Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government declared its intention to acquire the right of user in lands specified in the schedule appended to that notification for the purpose of laying pipeline.

And whereas the Competent Authority has under sub-section (1) of the Section 6 of the said Act, submitted report to the Government;

And further whereas the Central Government has, after considering the said report decided to acquire the right of user in the lands in the schedule appended to this notification;

Now, therefore, in exercise of the powers conferred by sub-section (1) of the Section 6 of the said Act, the Central Government hereby declares that the right of user in the said lands specified in the schedule appended to this notification hereby acquired for laying the pipeline.

And further in exercise of powers conferred by sub-section (4) of the section, the Central Government directs that the right of user in the said lands shall instead of vesting in Central Government vests on this date of the publication of this declaration in the Oil and Natural Gas Commission free from encumbrances.

SCHEDULE

PIPELINE FROM GNAQ TO T POINT

State : Gujarat	Dist : Bharuch	Taluka : Jambusar			
Village	Survey No.	Hectare	Are	Cen-	tiare
Jambusar	1798	0	01	50	
	1767	0	03	91	

[No. O-11027/7/88-ONG-D III]

का. आ. 1593.—यतः केन्द्रीय सरकार को यह प्रतीत होता है कि लोकहित में यह आवश्यक है कि गुजरात राज्य में गंधार में धुवरान तक पेट्रोलियम के परिवहन के लिये पाइपलाइन तेल तथा प्राकृतिक गैस आयोग द्वारा बिछाई जानी चाहिये।

और यतः यह प्रतीत होता है कि ऐसी ज़ाहनों को बिछाने के प्रयोजन के लिये एम्पलाइज्ड अतुसूची में वर्णित भूमि में उपयोग का अधिकार अर्जित करना आवश्यक है।

अतः अब पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करने हेतु केन्द्रीय सरकार ने उसमें उपयोग का अधिकार अर्जित करने का अपना आशय एतद्वारा घोषित किया है।

अतः कि उक्त भूमि में हितवादी कोई व्यक्ति, उस भूमि के नीचे पाइपलाइन बिछाने के लिए आक्षेप सक्षम प्राधिकारी, तेल तथा प्राकृतिक गैस आयोग, निर्माण और देखभाल प्रभाग, मकरपुरा रोड, बड़ोदा-9 को इस अधिसूचना की तारीख से 21 दिनों के भीतर कर सकेगा।

और ऐसा आक्षेप करने वाला हर व्यक्ति विनिश्चितः यह भी कथन करेगा कि क्या यह वह चाहता है कि उसकी मूलवादी व्यक्तिगत रूप से जो या किसी विधि व्यवसायी की मार्फत।

अनुसूची

गंधार में धुवरान तक पाइप लाइन बिछाने के लिए।

राज्य : गुजरात जिला : खेडा तालुका : बोरसद

गांव	सर्वे नं.	हैक्टेयर	आर	सेटीयर
गोरवा	178	0	38	69
	176/1 पंख 2	0	18	55
	181	0	00	60

[नं. O-11027/32/89-आ एन जी-डी-III]

S.O. 1593.—Whereas it appears to the Central Government that it is necessary in the public interest that for the transport of petroleum from Gandhar to Dhuvaran in Gujarat State pipeline should be laid by the Oil and Natural Gas Commission.

And whereas it appears that for the purpose of laying such pipeline, it is necessary to acquire that right of user in the land described in the schedule annexed hereto :—

Now, therefore, in exercise of the powers conferred by sub-section (1) of the Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in the Land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein;

Provided that any person interested in the said land may, within 21 days from the date of this notification, object to the laying of the pipeline under the land to the Competent Authority, Oil and Natural Gas Commission, Construction and Maintenance Division, Makarpura Road, Vadodara-390009.

And every person making such an objection shall also state specifically whether he wishes to be heard in person or by legal practitioner.

SCHEDULE

PIPELINE FROM GANDHAR TO DHUVARAN

State : Gujarat Distt : Kheda Taluka : Borsad

Village	Survey No.	Hectare	Are	Cen-	tiare
Gorva	178	0	38	69	
	178/1 & 2	0	18	55	
	181	0	00	60	

[No. O-11027/32/89-ONG.D.III]

नई दिल्ली, 29 मार्च, 1989

का. आ. 1594.—यतः पेट्रोलियम और खनिज पाइपलाइन भूमि में उपयोग के अधिकार का अर्जन अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (i) के अधीन भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना का. आ. सं. 1550, तारीख 3-5-88 द्वारा केन्द्रीय सरकार ने उस अधिसूचना से संलग्न अतुसूची में विनिश्चित भूमि में उपयोग के अधिकार को पाइपलाइनों को बिछाने के लिए अर्जित करने का अपना आशय घोषित कर दिया था।

और यतः सक्षम प्राधिकारी ने उक्त अधिनियम की धारा 6 की उपधारा (i) के अधीन सरकार को रिपोर्ट दे दी है।

और आगे, यतः केन्द्रीय सरकार ने उक्त रिपोर्ट पर विचार करने के पश्चात् इस अधिसूचना से संलग्न अतुसूची में विनिश्चित भूमि में उपयोग का अधिकार अर्जित करने का विनिश्चय किया है।

अथ, अतः उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्ति का प्रयोग करते हुए, केन्द्रीय सरकार एतद्वारा घोषित करती है कि इस अधिसूचना में संलग्न अनुसूची में विनिर्दिष्ट उक्त भूमियों में उपयोग का अधिकार पाइपलाइन बिछाने के लिए एतद्वारा अर्जित किया जाता है।

और आगे इस धारा की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार निर्देश देती है कि उक्त भूमियों में उपयोग का अधिकार केन्द्रीय सरकार में निहित होने की बजाय तेल और प्राकृतिक गैस आयोग में, सभी बाधाओं से मुक्त रूप में, घोषणा के प्रकाशन की इस तारीख को निहित होगा।

अनुसूची

महमपुरा से बैंको तक पाइप लाइन बिछाने के लिए।

राज्य : गुजरात जिला व ताल्लुका : बरोदाग

गांव	ब्लाक न.	हेक्टेयर	आर	सेटीयर
बिल	333	0	16	80
	334	0	16	50
	391	0	05	70

[सं. O-11027/80/88-ओ एन जी-डी-III]

New Delhi, the 29th March, 1989

S.O. 1594.—Whereas by notification of the Government of India in the Ministry of Petroleum and Natural Gas S.O. 1550 dated 3-5-88 under sub-section (1) of Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government declared its intention to acquire the right of user in lands specified in the schedule appended to that notification for the purpose of laying pipeline;

And whereas the Competent Authority has under sub-section (1) of the Section 6 of the said Act, submitted report to the Government;

And further whereas the Central Government has, after considering the said report decided to acquire the right of user in the lands in the schedule appended to this notification;

Now, therefore, in exercise of the powers conferred by sub-section (1) of the Section 6 of the said Act, the Central Government hereby declares that the right of user in the said lands specified in the schedule appended to this notification hereby acquired for laying the pipeline;

And further in exercise of powers conferred by sub-section (4) of the section, the Central Government directs that the right of user in the said lands shall instead of vesting in Central Government vests on this date of the publication of this declaration in the Oil and Natural Gas Commission free from encumbrances.

SCHEDULE

PIPELINE FROM LAXMIPURA TO BANCO

State : Gujarat		District & Taluka : Vadodara		
Village	Block No.	Hectare	Are	Centiare
Bill	333	0	16	80
	334	0	16	50
	391	0	05	70

[No. O-11027/80/88-ONG-D.III]

नई दिल्ली 30 मई, 1989

का. आ. 1595.—यतः पेट्रोलियम और खनिज पाइपलाइन बूम में उपयोग के अधिकार का अर्जन अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) के अधीन भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना का. आ. सं. 466, तारीख 11-3-89 द्वारा केन्द्रीय सरकार ने उस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों में उपयोग के अधिकार को पाइपलाइनों को बिछाने के लिए अर्जित करने का अपना आशय घोषित कर दिया था ;

और यतः सक्षम प्राधिकारी ने उक्त अधिनियम की धारा 6 की उपधारा (1) के अधीन सरकार को रिपोर्ट दे दी है ;

और आगे, यतः केन्द्रीय सरकार ने उक्त रिपोर्ट पर विचार करने के पश्चात् इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों में उपयोग का अधिकार अर्जित करने का विनिश्चय किया है ;

अथ, अतः उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्ति का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा घोषित करती है कि इस अधिसूचना में संलग्न अनुसूची में विनिर्दिष्ट उक्त भूमियों में उपयोग का अधिकार पाइपलाइन बिछाने के लिए एतद्वारा अर्जित किया जाता है ;

और आगे उस धारा की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार निर्देश देती है कि उक्त भूमियों में उपयोग का अधिकार केन्द्रीय सरकार में निहित होने की बजाय तेल और प्राकृतिक गैस आयोग में, सभी बाधाओं से मुक्त रूप में, घोषणा के प्रकाशन की इस तारीख को निहित होगा।

अनुसूची

एन. के. एच. ई. से एम. वो. एनो आर तक पाइप लाइन बिछाने के लिए
राज्य : गुजरात जिला व ताल्लुका : मेहसाना

गांव	ब्ला. न.	हेक्टेयर	आर	सेटीयर
मेहमपुरा	82	0	18	36
	43	0	12	48
	48	0	08	76
	47	0	00	72
	51	0	05	16
	52	0	02	28
	53	0	03	96
	54	0	03	12

[सं. O-11027/13/189-ओ एन जी-डी-III]

New Delhi, the 30th May, 1989

S.O. 1595.—Whereas by notification of the Government of India in the Ministry of Petroleum and Natural Gas S.O. No. 466 dated 11-3-89 under sub-section (1) of Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government declared its intention to acquire the right of user in the lands specified in the schedule appended to that notification for the purpose of laying pipeline;

And whereas the Competent Authority has under sub-section (1) of the Section 6 of the said Act, submitted report to the Government;

And further whereas the Central Government has, after considering the said report decided to acquire the right of user in the lands in the schedule appended to this notification;

Now, therefore, in exercise of the powers conferred by sub-section (1) of the Section 6 of the said Act, the Central Government hereby declares that the right of user in

the said lands specified in the schedule appended to this notification hereby acquired for laying the pipeline;

And further in exercise of powers conferred by sub-section (4) of the section, the Central Government directs that the right of user in the said lands shall instead of vesting in Central Government vests on this date of the publication of this declaration in the Oil and Natural Gas Commission free from encumbrances.

SCHEDULE

PIPELINE FROM NKHE TO NK FR.

State : Gujarat	District & Taluka : Mehsana			
Village	Block No.	Hectare	Are	Centiare
Memadpura	82	0	18	36
	43	0	12	48
	48	0	08	76
	47	0	00	72
	51	0	06	16
	52	0	02	28
	53	0	03	96
	54	0	03	12

[No. O-11027/13/89-ONG-D.III]

नई दिल्ली, 15 जून, 1989

का. आ. 1596 :—यतः केन्द्रीय सरकार को यह प्रतीत होता है कि लोकहित में यह आवश्यक है कि गुजरात राज्य में जी एन सी बी से ईपीएस गांधार तक पेट्रोलियम के परिवहन के लिये पाइप-लाइन तेल तथा प्राकृतिक गैस आयोग द्वारा बिछाई जानी चाहिए।

और यतः यह प्रतीत होता है कि ऐसी लाइनों को बिछाने के प्रयोजन के लिए एतदुपाय अनुसूची में वर्णित भूमि में उपयोग का अधिकार अर्जित करना आवश्यक है ;

अतः अब पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन (अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार ने उसमें उपयोग का अधिकार अर्जित करने का अपना आशय एतद्वारा घोषित किया है,

वर्तते कि उक्त भूमि में हितवद्ध कोई व्यक्ति, उस भूमि के नीचे पाइप लाइन बिछाने के लिए आक्षेप सक्षम प्राधिकारी, तेल तथा प्राकृतिक गैस आयोग, निर्माण और देखभाल प्रभाग, मकारपुरा रोड, वडोदा को इस अधिसूचना की तारीख से 21 दिनों के भीतर कर सकेगा,

और ऐसा आक्षेप करने वाला हर व्यक्ति विनिश्चित यह भी कथन करेगा कि क्या वह यह चाहता है कि उसकी सुनवाई व्यक्तिगत रूप से हो या किसी विधि व्यवसायी की मार्फत :

अनुसूची

जी एन सी बी से इपीएस गांधार तक पाइप लाइन बिछाने के लिए।

राज्य : गुजरात	जिला : भरुच	तालुका : पावरा		
गांव	ब्लॉक नं.	हेक्टर	आर	सेन्टीयर
1	2	3	4	5
चांचवेल	755	0	18	95
	753	0	37	05

1	2	3	4	5
	677	0	14	34
	676	0	15	02
	675	0	10	19
	684	0	18	20
	685	0	11	09
	काटं ट्रेक	0	07	97
	664	0	06	80
	637	0	18	72
	638	0	11	09
	645/ए	0	19	76
	643	0	07	58
	काटं ट्रेक	0	05	63
	517	0	06	24
	506	0	06	16
	503	0	05	63
	502	0	08	84
	500/s	0	24	44
	466	0	12	87
	468	0	04	94
	469	0	07	54
	479	0	15	64
	480	0	14	04
	काटं ट्रेक	0	01	58
	402	0	12	63
	401	0	08	60
	400	0	21	08
	386	0	28	10
	388	0	44	48
	389	0	16	66
	377	0	07	30
	282	0	73	19

[सं. ओ-11027/55/89-ओ एन जी डी- III]

New Delhi, the 15th June, 1989

S.O. 1596.—Whereas it appears to the Central Government that it is necessary in the public interest that for the transport of petroleum from GNCB to EPS Gandhar in Gujarat State pipeline should be laid by the Oil and Natural Gas Commission;

And whereas it appears that for the purpose of laying such pipeline, it is necessary to acquire that right of user in the land described in the schedule annexed hereto;

Now, therefore, in exercise of the powers conferred by sub-section (1) of the Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in the Land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein;

Provided that any person interested in the said land may, within 21 days from the date of this notification, object to the laying of the pipeline under the land to the Competent Authority, Oil and Natural Gas Commission, Construction and Maintenance Division, Makarpura Road, Vadodra. (390009);

And every person making such an objection shall also state specifically whether he wishes to be heard in person or by legal practitioner.

SCHEDULE

PIPELINE FROM GNCB TO EPX GANDHAR

State Gujarat	District : Bharuch	Taluka - Vagra		
Village	Block No.	Hectare	Are	Centiare
1	2	3	4	5
Chanchwel	755	0	18	98
	753	0	37	05
	677	0	14	34
	676	0	15	02
	675	0	10	19
	684	0	18	20
	685	0	11	09
	Cart track	0	07	97
	664	0	06	80
	637	0	18	72
	638	0	11	09
	645/A	0	19	76
	643	0	07	58
	Cart track	0	05	63
	517	0	06	24
	506	0	06	16
	503	0	05	63
	502	0	08	84
	500/8	0	24	44
	466	0	12	87
	468	0	04	94
	469	0	07	54
	479	0	15	64
	480	0	14	04
	Cart track	0	01	58
	402	0	12	63
	401	0	08	60
	400	0	21	08
	386	0	28	10
	388	0	44	48
	389	0	16	66
	377	0	07	30
	282	0	73	19

[No. O-11027/55/89-ONG-D.III]

श्री. आ. 1507—यतः केन्द्रीय सरकार को यह प्रतीत होता है कि लोकहित में यह आवश्यक है कि गुजरात राज्य में इलाक-2 में एस डब्ल्यू एम बी तक पेट्रोलियम के परिवहन के लिये पाइपलाइन तेल तथा प्राकृतिक गैस आयोग द्वारा बिछाई जानी चाहिए ;

और यतः यह प्रतीत होता है कि ऐसा लाइन को बिछाने के प्रयोजन के लिए एनपाइप अन्तर्सूचि में वर्णित भूमि में उपयोग का अधिकार अर्जित करना आवश्यक है ;

अतः अब पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिधार का अधिनियम, 1962 (1962 का 50) का धारा 3 की उपधारा (1) द्वारा प्रयोज्य शक्तियों का प्रयोग करने हुए केन्द्रीय सरकार ने इससे उपयोग का अधिकार अर्जित करने का अपना आग्रह एनपाइप अधिनियम किया है ;

अतः कि उक्त भूमि में निम्नलिखित कार्ट अधिकारी, उन भूमि के मालिकों को सूचित करने के लिए अधिधार अधिनियम प्राधिकारी तेल तथा प्राकृतिक गैस आयोग, निर्माण और देखभाल प्रभाग, मकारपुरा रोड, वडोदरा-9 को इस अधिसूचना के तहत 31 दिनों के भीतर कर सकेंगे।

और ऐसा अधिधार करने वाला हर व्यक्ति निर्दिष्ट है, यह भी कथन करने का कि क्या यह वह लाइन है कि उसी मालिकों के व्यक्तिगत रूप से ही या किसी विधि व्यवसायी को मालिक।

अन्तर्सूचि

इलाक-2 में एस डब्ल्यू एम बी तक पाइप लाइन बिछाने के लिए

राज्य : गुजरात	जिला : भरुच	तालुका : वडोदरा		
ग्राम	कतार नं.	हेक्टेयर	आर	सेन्टीयर
वाल्सेर	161	0	05	33
	163	0	16	71
	167/ए	0	01	32
	166	0	28	84
	178	0	23	08
	180	0	01	18
	179	0	04	39
	240/ए-बी	0	22	39
	289	0	01	14
	283	0	18	59
	293/ए-बी	0	13	78
	296/ए-बी	0	00	96
	298	0	05	85
	कार्ट ट्रैक	0	03	25
	297/ए-बी	0	02	47
	308	0	01	30
	579		47	97
	242	0	04	55
	241	0	09	62
	285	0	09	75
	287	0	06	67
	582	0	05	45
	295	0	08	19

[सं. ओ-11027/54/89-ओ एन जी डी-III]

के. जिवेकानन्द, ई.एस. अधिकारी

S.O. 1597.—Whereas it appears to the Central Government that it is necessary in the public interest that for the transport of petroleum from ELAV-2 to SWMB in Gujarat State pipeline should be laid by the Oil and Natural Gas Commission ;

And whereas it appears that for the purpose of laying such pipeline, it is necessary to acquire that right of user in the land described in the schedule annexed hereto ;

Now, therefore, in exercise of the powers conferred by sub-section (1) of the Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in the Land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein ;

Provided that any person interested in the said land may, within 21 days from the date of this notification, object to the laying of the pipeline under the land to the Competent Authority, Oil and Natural Gas Commission, Construction and Maintenance Division, Makarpura Road, Vadodra. (350009) ;

And every person making such an objection shall also state specifically whether he wishes to be heard in person or by legal practitioner.

SCHEDULE

PIPELINE FROM ELLAV-2 TO SWMB

State : Gujarat District : Bharuch Taluka-Hansot

Village	Block No.	Hectare	Arc Centiare
Walner	161	0	05 33
	163	0	16 71
	167/A	0	01 32
	166	0	28 84
	178	0	23 08
	180	0	01 18
	179	0	04 39
	240/A-B	0	22 39
	289	0	01 14
	283	0	18 59
	293/A-B	0	13 78
	296/A-B	0	00 96
	298	0	05 85
	Cart track	0	03 25
	297/A-B	0	02 47
	308	0	01 30
	579	0	47 97
	242	0	04 55
	241	0	09 62
	285	0	09 75
	287	0	06 67
	582	0	05 45
	295	0	08 19

[No. O-11027/54/89-ONG-D.III]
K. VIVEKANAND, Desk Officer.

नई दिल्ली, 31 मई, 1989

का.आ. 1598:—सरकारी परिसर (अनधिकृत कब्जे की बेदखली) अधिनियम, 1971 (1971 का 40) की धारा 3 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्वारा हिन्दुस्तान पेट्रोलियम कॉर्पोरेशन लिमिटेड, बम्बई के बरिष्ठ विधि सलाहकार को, जो सरकार के राजपत्रित अधिकारी के पद के बराबर है, उक्त अधिनियम के प्रयोजन के लिए संपदा अधिकारी के रूप में नियुक्त करती है।

बरिष्ठ विधि सलाहकार, उक्त कॉर्पोरेशन के प्रशासनिक नियंत्रणाधीन सरकारी परिसर के संबंध में उक्त अधिनियम द्वारा अथवा उसके अन्तर्गत संपदा अधिकारियों को प्रदत्त शक्तियों का प्रयोग करेगा, और अधिसूचना सं. आ.का. 773 दिनांक 15 दिसम्बर, 1975 के अधीन नियुक्त हिन्दुस्तान पेट्रोलियम कॉर्पोरेशन लिमिटेड के सचिव, पदेन संपदा अधिकारी के साथ-साथ बरिष्ठ विधि सलाहकार को समनुमोदित कृतव्यों का निष्पादन करेगा।

सरोज शिवारामा कृष्णन, अवर सचिव
[फाइल संख्या आर-30014/2/89-एम सी]

New Delhi, the 31st May, 1989

S.O. 1598:—In exercise of the powers conferred by Section 3 of the Public Premises (Eviction of Unauthorised Occupants) Act, 1971 (Act 40 of 1971), the Central Government hereby appoints the Senior Legal Adviser of the Hindustan Petroleum Corporation Limited, Bombay being an officer equivalent to the rank of Gazetted Officer of Government to be Estate Officer for the purpose of the said Act.

The Senior Legal Adviser shall exercise the powers conferred and perform the duties imposed, on Estate Officers by or under the said Act, in respect of public premises under the administrative control of the said Corporation, and assigned to the Senior Legal Adviser concurrently with

the Secretary, ex officio Estate Officer, Hindustan Petroleum Corporation Limited, appointed under Notification No. S.O. 773 dated December, 15, 1975.

[File No. R-30014/2/89 MC]

SAROJ SIVARAMAKRISHNAN, Under Secy.

एडि-पत्र

नई दिल्ली, 9 जून, 1989

का.आ. 1599:—भारत सरकार के राजपत्र भाग-2, खंड 3, उपखंड ii दिनांक 17-1-87 का.आ. संख्या 12016/150/86-ओ एन जी-डी-4 में धारा 6(1) के अधीन प्रकाशित अधिसूचना संख्या 119 दिनांक 17-1-87, पृष्ठ क्रमांक 113 में आये शब्दों और अंकों के स्थान पर निम्नानुसार पढ़ा जाए:—

तहसील :—हवेली		जिला :—पुणे	
के लिये		पढ़ें	
गांव	खसरा नं.	हिसा नं.	क्षेत्रफल गांव
विठ्ठल नगर	66	7-8	00-08-10
माली नगर	269	38	—

[ओ-12016/150/86-ओएनजीडी-41-विल]
सी. एल. गिरोत्रा, अवर सचिव

ERRATUM

New Delhi, the 9th June, 1989

S.O.1599.—For the words and figures appearing in the Notification under section 6(1) issued under Government of India's Notification No. O-12016/150/86-ONG-D-4 under S.O. No. 119 dated 17-1-87 (Published in Government of India Gazette, Part II, section 3(ii) at page No. 114) as under read.

Tahsil—Haveli		Distt.—Pune	
FOR		READ	
Village	S. No.	H. No.	Area
Vithalnagar	66	7-8	00-08-10
Malinagar	269	38	—

Village	S. No.	H. No.	Area
Vithal nagar	66	6 }	00 08-10
	66	6 }	
Malinagar	269	3B	

[No. O-12016/150/86-ONG-D.4/Dist.]
C.L. Girotra, Under Secy.

श्रम मंत्रालय

नई दिल्ली, 5 जून, 1989

का.आ. 1600 :—उत्प्रवास अधिनियम, 1983 (1983 का 31) की धारा 5 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार श्रम मंत्रालय के अवर सचिव, श्री एम.एम. टांगरी को 5 जून से 11 जून, 1989 की अवधि के दौरान उत्प्रवास संरक्षी के कार्यालय, दिल्ली में उत्प्रवास संरक्षी, दिल्ली के सभी कार्यों को करने के लिए प्राधिकृत करती है।

[सं. ए-22012/1/89-उत्प्रवास]

MINISTRY OF LABOUR

New Delhi, the 5th June, 1989

S.O. 1600.—In exercise of the powers conferred by Section 5 of the Emigration Act, 1983 (31 of 1983), the Central Government hereby authorises Shri M. S. Tangry, Under Secretary, Ministry of Labour to perform all functions of Protector of Emigrants, Delhi in the office of the Protector of Emigrants, Delhi during the period from 5th June to 11th June, 1989.

[No. A-22012/1/89-Fmig.]

नई दिल्ली, 9 जून, 1989

का.आ. 1601 :—उत्प्रवास अधिनियम, 1983 (1983 का 31) की धारा 5 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, श्रम मंत्रालय के अवर सचिव, श्री जे.पी. शुक्ला को 8 जून, 1989 से श्री वी.एस.ए.एस. पी. राजू के उत्प्रवास संरक्षी, मद्रास के रूप में कार्यभार ग्रहण करने तक की अवधि के लिए उत्प्रवास संरक्षी का कार्यालय, मद्रास में उत्प्रवास संरक्षी, मद्रास के सभी कार्यों को करने के लिए प्राधिकृत करती है।

[सं. ए-22012/1/89-उत्प्रवास]

New Delhi, the 9th June, 1989

S.O. 1601.—In exercise of the powers conferred by Section 5 of the Emigration Act, 1983 (31 of 1983), the Central Government hereby authorises Shri J. P. Shukla, Under Secretary, Ministry of Labour to perform all functions of Protector of Emigrants, Madras in the office of the Protector of Emigrants, Madras during the period from 8th June, 1989 till Shri V. S. A. S. P. Raju joins duty as Protector of Emigrants, Madras.

[No. A-22012/1/89-Emig.]

का.आ. 1602 :—उत्प्रवास अधिनियम, 1983 (1983 का 31) की धारा 5 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार श्री इन्द्र सिंह, अवर सचिव, श्रम मंत्रालय को 26 जून, 1989 से अगले आदेशों तक उत्प्रवासी संरक्षी का कार्यालय दिल्ली में उत्प्रवासी संरक्षी, दिल्ली के सभी कार्यों करने के लिए प्राधिकृत करती है।

[सं. ए-22012/1/89-उत्प्रवास]

S.O. 1602.—In exercise of the powers conferred by Section 5 of the Emigration Act, 1983 (31 of 1983), the Central Government hereby authorises Shri Inder Singh, Under Secretary, Ministry of Labour to perform all functions of Protector of Emigrants, Delhi in the office of the Protector of Emigrants, Delhi during the period from 26th June, 1989 till further orders.

[No. A-22012/1/89-Emig.]

का.आ. 1603 :—उत्प्रवास अधिनियम, 1983 (1983 का 31) की धारा 5 द्वारा प्रदत्त शक्तियों का प्रयोग करते

हुए, केन्द्रीय सरकार, श्री ए.वी.एस. शर्मा अवर सचिव, श्रम मंत्रालय को 12 जून से 18 जून, 1989 तक की अवधि के दौरान उत्प्रवासी संरक्षी का कार्यालय, दिल्ली में उत्प्रवासी संरक्षी, दिल्ली के सभी कार्यों करने के लिए प्राधिकृत करती है।

[सं. ए-22012/1/89-उत्प्रवास]

S.O. 1603.—In exercise of the powers conferred by Section 5 of the Emigration Act, 1983 (31 of 1983), the Central Government hereby authorises Shri A. V. S. Sharma, Under Secretary, Ministry of Labour to perform all functions of Protector of Emigrants, Delhi in the office of the Protector of Emigrants, Delhi during the period from 12th June to 18th June, 1989.

[No. A-22012/1/89-Emig.]

का.आ. 1604 :—उत्प्रवास अधिनियम, 1983 (1983 का 31) की धारा 5 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार श्री ए.के. भट्टारai अवर सचिव, श्रम मंत्रालय को 19 जून से 25 जून, 1989 तक की अवधि के दौरान उत्प्रवासी संरक्षी का कार्यालय, दिल्ली में उत्प्रवासी संरक्षी, दिल्ली के सभी कार्यों करने के लिए प्राधिकृत करती है।

[सं. ए-22012/1/89-उत्प्रवास]

S.O. 1604.—In exercise of the powers conferred by Section 5 of the Emigration Act, 1983 (31 of 1983), the Central Government hereby authorises Shri A. K. Bhattarai, Under Secretary, Ministry of Labour to perform all functions of Protector of Emigrants, Delhi in the office of the Protector of Emigrants, Delhi during the period from 19th June to 25th June, 1989.

[No. A-22012/1/89-Fmig.]

नई दिल्ली, 23 जून, 1989

का.आ. 1605 :—उत्प्रवास अधिनियम, 1983 (1983 का 31) की धारा 3, उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्वारा श्री जे.पी. सिंह, अनुभाग अधिकारी को 28 जून, 1989 से अगले आदेशों तक उत्प्रवासी संरक्षी-2, बम्बई के पद पर नियुक्त करती है।

[सं. ए-22012/1/89-उत्प्रवास-II]

प्रदीप सिंह, अवर सचिव

New Delhi, the 23rd June, 1989

S.O. 1605.—In exercise of the powers conferred by Section 3, sub-section (1) of the Emigration Act, 1983 (31 of 1983), the Central Government hereby appoints Shri J. P. Singh, Section Officer as Protector of Emigrants-II, Bombay with effect from 28th June, 1989 till further orders.

[No. A-22012/1/89-Emig.II]

PRADEEP SINGH. Under Secy.

आदेश

नई दिल्ली, 5 जून, 1989

का.आ. 1606 :—केन्द्रीय सरकार की राय है कि इससे उपायध अनुसूची में विनिर्दिष्ट मामलों के बारे में

भारतीय खाद्य निगम और उनके कर्मचारों बीच एक औद्योगिक विवाद विद्यमान है ;

और केन्द्रीय सरकार की राय है कि उक्त विवाद में राष्ट्रीय महत्व का प्रश्न अंतर्भूत है ;

और केन्द्रीय सरकार की राय है कि उक्त विवाद में राष्ट्रीय अधिकरण द्वारा न्याय-निर्णय किया जाना चाहिए ;
अतः अब केन्द्रीय सरकार,

(1) औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा-7ख द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, एक राष्ट्रीय अधिकरण गठित करती हैं जिसका मुख्यालय बंबई में होना और श्री एम.एस. जामदार को इसका पीठासीन अधिकारी नियुक्त करती है ; और

(2) उक्त अधिनियम की धारा 10 की उपधारा (1-क) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, उक्त औद्योगिक विवाद को न्यायनिर्णय के लिए उक्त राष्ट्रीय अधिकरण को निर्देशित करती है ।

अनुसूची

“क्या भारतीय खाद्य निगम के प्रबंधन की अपने प्रत्यक्ष अदायगी पद्धति डिपो में नियोजित फूड हैंडलिंग कर्मचारों को (अनुबंध के अनुसार) वही मजदूरी, हैमियन और सेवा शर्तों के अन्य फायदे, जो विभागीय कर्मचारों को दिए जाते हैं, न देने की कार्रवाई सही और न्यायोचित है ? यदि नहीं, तो कर्मकार किस अनुसूची और सेवा शर्तों के हकदार हैं तथा वे किस तारीख से हकदार हैं ?”

[सं. एल-42011/77/87-डि-2 (बी)/डि-4 (बी)]

ORDER

New Delhi, the 5th June, 1989

S.O. 1606.—Whereas the Central Government is of opinion that an industrial dispute exists between the employer that is to say, Food Corporation of India and their workmen in respect of the matters specified in the Schedule hereto annexed;

And whereas the Central Government is of opinion that the said dispute involves a question of national importance ;

And whereas the Central Government is of opinion that the said dispute should be adjudicated by a National Tribunal;

Now, therefore, the Central Government, (i) in exercise of the powers conferred by section 7-B of the Industrial Disputes Act, 1947 (14 of 1947), hereby constitutes a National Industrial Tribunal with Head Quarters at Bombay and appoints Justice Shri M. S. Jamdar as its Presiding Officer; and

(ii) in exercise of the powers conferred by sub-section (1A) of section 10 of the said Act hereby refers the said industrial dispute to the said National Industrial Tribunal for adjudication.

SCHEDULE

“Whether the action of the Management of Food Corporation of India in not granting the same wages, status and other benefits of service conditions as of the departmental workers to the food handling workers employed in their direct Payment system denotes (as per Annexure) is fair and justified. If not, to what relief and service conditions, the workmen are entitled and the date from which they are so entitled ?”

[No. I-42011/77/87-D.II.B/D.IV.B]

नई दिल्ली, 22 जून, 1989

का.आ. 1607 :—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुमरण में, केन्द्रीय सरकार व मैमर्ज ईस्टर्न कोल-फील्ड्स लि. की मोहनपुर कोलिदरी के प्रबंधन के सम्बद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निहित औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, सं. 2, धनबाद के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 13-6-89 को प्राप्त हुआ था ।

New Delhi, the 22nd June, 1989

S.O. 1607.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, No. 2, Dhanbad as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Mohanpur Colliery of M/s. E. C. Ltd., and their workmen, which was received by the Central Government on the 13-6-89.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (NO. 2), AT DHANBAD

Reference No. 269 of 1987

In the matter of an industrial dispute under section 10(1)(d) of the I. D. Act., 1947.

PARTIES :

Employers in relation to the management of Mohanpur Colliery of ECL, P. O. Sandi, Distt. Burdwan (WB) and their workmen.

APPPEARANCES :

On behalf of the workmen.—Shri J. D. Iall, Advocate.
On behalf of the employers.—Shri B. N. Lala, Advocate.

STATE : Bihar.

INDUSTRIAL : Coal.

Dated, Dhanbad, the 6th June, 1989

AWARD

The Govt. of India, Ministry of Labour in exercise of the powers conferred on them under section 10(1)(d) of the I. D. Act., 1947 has referred the following dispute to the then Central Govt. Industrial Tribunal No. 3, Dhanbad vide Ministry's Order No. L-19012(36)/81-D.IV(B) dated, the 21st December, 1981. Subsequently vide Ministry's Order No. L-11025/3/86-D.IV(B), dated the 24th June, 1987 the said reference was transferred to this Tribunal for adjudication and the same is numbered as Ref. No. 269 of 1987.

THE SCHEDULE

“Whether the action of the management of Mohanpur Colliery of E.C.L., P. O. Sandi, Distt. Burdwan (WB) in superannuating Shri Bishnu Pada Mandal, Electric Supervisor with effect from 1-1-81 is justified ? If not, to what relief is the workman entitled and from which date ?”

The case of the workmen is that the concerned workman Shri Bishnu Pada Mandal (for short here-in-after referred to as B. Mandal) was working at Rangakanali colliery from 16-4-66. At the time of take over of the management of Rangakanali colliery in 1973 he was working in the said colliery as Electrical Supervisor. After take over he became an employee of ECL and was working at Rangakanali colliery in Salanpur Area under the Sangramgarh group of Collieries. As per rules and procedure full particulars of the concerned

workman regarding his age address etc. was recorded in the Form B register of the colliery bearing the signature of the concerned workman. After take over of the Rangakanali colliery by the Govt. a new Form B Register was prepared by the management of the colliery in which the age of the concerned workman has been recorded as 50 years as on 31-1-73, after taking into account the record of his age recorded in the previous Form B Register available in the colliery. The concerned workman was transferred to Gourandi colliery in November, 1973 and in October, 1974 he was transferred to Mohanpur colliery where he was working till his superannuation. The concerned workman was to superannuate after completing 60 years in January, 1983 but the management of Mohanpur colliery by taking advantage of an incorrect and erroneous recording of age appearing in the Form B Register of Mohanpur colliery has superannuated him with effect from 1-1-81. The decision of the management in superannuating the concerned workman with effect from 1-1-81 is illegal and he has been a victim of premature retirement/superannuation and has been deprived from the benefit of his remaining 2 years of service. It is submitted on behalf of the workmen that the age of the concerned workman in Form B Register of Mohanpur colliery should have been calculated on the basis of his age recorded at Rangakanali colliery. The concerned workman represented the matter to the Agent of the colliery who referred the matter to the General Manager, Salanpur Area vide his letter dated 17-4-81. On the above facts it is prayed that it be held that the superannuation of the concerned workman with effect from 1-1-81 is unjustified and is illegal and the management be directed to reinstate him from 1-1-81 and should pay his wages and other benefits from 1-1-81 to 31-12-82 as if he continued in service till 31-12-82.

The case of the management is that the union of the workmen who had raised the industrial dispute had no locus standi to raise any dispute relating to any workman of Mohanpur colliery which employs about 1500 workmen. The union representing the concerned workman does not have any membership from among the workmen of the colliery so as to best it with any competency to raise any industrial dispute relating to the workmen of Mohanpur colliery. The representation made by the Vice President of the Union to the ALC(C) Asansol does not amount to raising an industrial dispute. The concerned workman Shri B. P. Mandal, Electric Supervisor, prior to his posting to Mohanpur colliery was employed at Gourandi Begunia colliery where his age was recorded in the statutory Form B Register of the colliery as 53 years on 24-11-73. The concerned workman is literate and educated holding a responsible post of Electric Supervisor on whose information the recording of his age in the said Form B Register was made. The concerned workman himself signed the entry in the said Form B Register in token of the correctness of the particulars entered in it. On 9-6-76 the Manager, Gourandi Begunia colliery sent the service particulars of the concerned workman to the Manager, Mohanpur colliery wherein the age of the concerned workman was recorded as 53 years on 24-11-73. The concerned workman reached the age of 60 years on 31-12-80 and as such he was superannuated with effect from 1-1-81. In the facts of the case the superannuation of the concerned workman with effect from 1-1-81 is unjustified and the concerned workman is not entitled to any relief.

The point to be determined in this case is whether the concerned workman had completed 60 years of age on 31-12-80.

The management examined two witnesses and the workmen examined one witness in support of their respective case. The documents of the workmen are marked Ext. W-1 to W-8 and the documents of the management are marked Ext. M-1 to M-12.

The case of the workmen is that the concerned workman was first appointed at Rangakanali colliery where his age and further particulars were recorded in Form B Register with his signature and on its basis a new Form B Register 1983 GU89-2.

was prepared by the management of the colliery after its take over by the Govt. in 1973 in which the age of the concerned workman was recorded as 50 years as on 31-1-73. It is on the basis of the said age that the concerned workman is claiming that he has been prematurely retired. The case of the management, on the other hand, is that the concerned workman was employed at Gourandi Begunia colliery where his age was recorded in the statutory Form B Register as 53 years on 24-11-73 and that on 9-6-76, the manager Begunia colliery sent the service particulars of the concerned workman to the Manager, Mohanpur colliery wherein the age of the concerned workman was recorded as 53 years on 24-11-73 and accordingly he was retired with effect from 1-1-81 when he reached the age of superannuation on 31-12-80. In evidence the parties have raised the controversy regarding the fact as to where the concerned workman was first appointed in the colliery. WW-1 Shri B. P. Mandal is the concerned workman himself. He has stated that he was originally appointed in Rangakanali colliery in 1966 as Electric Supervisor where his age and other particulars were mentioned in Form B Register being maintained by Rangakanali colliery. He has further stated that he was only a part time workman in Hindusthan Alkusha colliery and that he was working in both the mines with the permission of the Mines Department. Ex. W-1 dated 30-4-67 is a memorandum from the office of the Electrical Inspector of Mines which shows that the concerned workman was a whole time Electrical supervisor of Ranga Kanali colliery and was in part time employment at Alkusha colliery and the same was approved for a period of 6 months i.e. upto 30-9-1967 by the Electrical Inspector of Mines on the conditions laid down therein. It appears therefore that originally the concerned workman was whole time Electrical Supervisor of Rangakanali colliery and was a part time employee of Alkusha Colliery. Ext. W-2 dated 10-9-1973 shows that the concerned workman was working as Electrical Supervisor in Rangakanali colliery and Alkusha Hindusthan colliery. It will thus appear that the concerned workman was working in Aangakanali colliery as well as in Hindusthan Alkusha Colliery. Ext. W-3 dated 25-10-1975 shows that the concerned workman working in Gourandih colliery was released from duty of the said colliery with effect from 27-10-1975 and was directed to report for duty to the Manager Mohanpur colliery. Ext. W-5 is the authorisation dated 16-4-1966 issued in the name of the concerned workman to work as Electrical Supervisor under the Coal Mines Regulation. Ext. W-6 dated 10-3-1966 is a letter by the Manager of Rangakanali colliery. It will appear that formerly it was addressed to Shri V. B. Mondal, Engineer, Jambad Kajora colliery and after cutting it was addressed to Shri B. P. Mandal, Engineer. There is no evidence in the record to show that the concerned workman was an engineer of Jambad Kajora colliery and it appears that the name of V. B. Mandal in Ext. W-6 has been interpolated to make it B. P. Mandal, Engineer. It is difficult to place any reliance on such document unless the person signing it comes forward in support of the document. Ext. W-7 dated 3-2-1981 is said to be true copy of some certificate which does not bear the signature of the person who had granted the certificate and it is shown attested by Veterinary Surgeon of Burdwan, the original of this document has not been produced. The person purported to have issued the certificate nor the person attesting the certificate has been examined in this case to show the correctness of the matters stated in Ext. W-7. However, Ext. W-8 is a letter written by Shri R. N. Upadhyaya, Agent to the G. M. Salanpur Area in which it is stated that according to him the concerned workman was of 50 years as on 31-1-1973 and that in Form B Register of Rangakanali colliery the age of the concerned workman has been recorded as 50 years on 31-1-1973. It is further stated that the concerned workman was transferred to Gaurandih colliery in November, 1973 but no L.P.C. had been sent by Rangakanali colliery to Gourandih colliery and that again the concerned workman was transferred to Mohanpur colliery by letter dated 23/24-10-1975 and in the L.P.C. sent to Mohanpur colliery by Gaurandih colliery the age of the concerned workman is recorded as 53 years as on 24-11-1973 which has been recorded in the Form B Register of Mohanpur colliery. The Agent has further stated that as per the record in Form B Register of Rangakanali colliery the concerned workman was to attain the age of superannuation in January, 1983 and that the age recorded in Form B Register of Rangakanali colliery should be taken into account for this purpose as

this is an original record available with them at the time of take over of the colliery. This letter of the Agent appears to be significant in the sense that the Agent himself had noticed the recording of the age of the concerned workman in Form B Register of Rangakanali colliery as 50 years in the year 1973. Admittedly, the management has not produced the Form B Register of Rangakanali colliery.

The management has produced Ext. M-1 which is Form B Register of Hindusthan Alkusha Colliery in which Sl. No. 7 is the entry in respect of B. P. Mandal where his age has been shown as 52 years in 1983. MW-1 has stated that the concerned workman was taken over from Hindusthan Alkusha colliery and Ext. W-1 is the Form B Register of the said colliery of the period prior to take over. He has further stated that the concerned workman has signed the entries against his name in Sl. No. 7 in token of the correctness of the entry made therein. Ext. M-2 dated 11-9-1973 is a letter containing categorisation of workmen of Hindusthan Alkusha colliery which was sent by the sub-Area Manager to the Manager of Hindusthan Alkusha Colliery unit of Sangramgarh colliery. Sl. No. 20, shows the name of the concerned workman. Ext. W-3 dated 15-5-1973 is a letter sent by the Custodian Shri A. K. Banjeree to the Manager, Hindusthan Alkusha colliery showing the man power list duly recommended by the members of the screening committee and finally approved by the office. Sl. No. 6 of the list includes the name of the concerned workman. Ext. M-2 and M-3 therefore clearly show that the concerned workman was working in Hindusthan Alkusha Colliery at the time of take over and hence the name was included in the manpower list and categorisation of workman Ext. M-2 and M-3. It is clear therefore that although in the beginning the concerned workman was working as full time workman of Rangakanali colliery and was a part time workman of Hindusthan Alkusha Colliery, the concerned workman was actually working in Hindusthan Alkusha colliery at the time of take over. Thus the importance of the entry of Form B Register Ext. M-1 of Alkusha colliery regarding the age of the concerned workman cannot be brushed aside. Ext. M-7 is the Form B Register of Mohanpur colliery and in Sl. No. 2690 is the entry in respect of the concerned workman where the year of his birth has been noted as 1920. Thus according to the said entry the concerned workman was to superannuate after 1980. Ext. M-5 is the Form B Register of Gourangdi Begunia Colliery. Sl. No. 409 is the entry in respect of the concerned workman in which his age has been shown as 55 years on 24-11-73. There is also a noting that from Gourangdi Begunia Colliery he was transferred to Mohanpur Colliery. Thus 3 entries in the Form B Register Ext. M-1, M-5 and M-7 show that the concerned workman completed his 60 years of age of superannuation in 1980. From the evidence discussed above it will also appear that the concerned workman was originally whole time workman of Rangakanali Colliery and the letter of the Agent Ext. W-8 shows that the age of the concerned workman as noted in Form B Register of Rangakanali Colliery was 50 years on 31-1-73. The management did not produce the said Form B Register of Rangakanali Colliery and as such the same has been suppressed as it did not support the case of the management and it supported the case of the concerned workman.

It will appear from para 3 of the deposition of the concerned workman MW-1 that when he joined Gourangdi Colliery he was asked to put his signature on Form B Register in which his name parentage and address was noted but his age was not recorded at that time. It appears therefore that the signature of the concerned workman in Ext. M-5 is not denied. He denied his signature in the Form B Register Ext. M-7. He has also denied his signature Ext. M-1/2 in Form B Register Ext. M-1. An expert has been examined on behalf of the management for examining the signature in Ext. M-1, M-5 and M-7 purported to be of the concerned workman. The expert has been examined as MW-2 and his report along with his opinion giving in details the reasons of his opinion are contained in Ext. M-11. In his opinion the signatures in Ext. M-1, M-5 and M-7 are written in the same hand. Thus according to him as the signature of the concerned workman is admitted in Ext. M-5 his other signature in Ext. M-1 and M-7 also are in the writing of the concerned workman. It cannot be believed that the concerned workman who is a literate person had signed the entries against his name in the Form B Register without going through the correctness of the entries made therein. Considering all aspects it appears that there was another Form B Register which has not been produced by the management

in respect of Rangakanali Colliery which supported the age as alleged by the concerned workman. I would not have given much credence to the oral evidence in respect of the so called entry in Form B Register of Rangakanali Colliery but we find from the letter Ext. W-8 of the Agent that he had himself looked into the Form B Register of Rangakanali Colliery and had found that the age of the concerned workman was recorded as 50 years on 31-1-73. I think it is a case in which there was variance in the recording of age of the concerned workman in the different Form B Registers where the concerned workman had admittedly worked. Ext. M-12 is a photo copy of the letter dated 30-10-81 issued by the Chief Personnel Officer of ECL. The said letter also deals in respect of the revision/determination of date of birth in respect of existing employees and its para 1(a) provides that wherever there is no variation in the record such cases will not be re-opened unless there is a very glaring and apparent wrong entry brought to the notice of the management. The management after being satisfied on the merit of the case will take appropriate action for correction through age determination committee/medical board. In para (b) it provides that wherever there is variation a suitable provision for age determination committee/medical board would be made. It also provides that the age determination committee/medical board for the above will be constituted by the management. The decision of the said committee will be binding on the parties. In view of the above letter and in view of the fact that there was variation in the recording of the age of the concerned workmen in the different Form B Registers of the Colliery I think the proper course left open is to refer the concerned workman to determine his age by the Medical Board which shall be binding on both the parties. The result of the determination of the age by the Medical Board will also determine if the concerned workman was superannuated when he had attained the age of superannuation of 60 years.

In the result, I hold that the justification of the action of the management of Mohanpur Colliery of ECL in superannuating the concerned workman Shri B. P. Mandal Electric Supervisor with effect from 1-1-81 will depend on the determination of his age by the Medical Board constituted by the management within 2 months of the publication of the Award. The management is directed to constitute the medical board and to give appropriate notice to the concerned workman so as to be present before the Medical Board for the determination of his age. The age determined by the Medical Board will be final and the parties will have to abide by the said decision. If the Medical Board decides that the concerned workman has been superannuated prior to his reaching the age of 60 years the management will reinstate the concerned workman from 1-1-83 and will pay him the salary for the remaining period of 60 years of his age as determined by the Medical Board.

This is my Award.

I. N. SINHA, Presiding Officer

[No. L-19012(36)/81-D IV. (B)]

R. K. GUPTA, Desk Officer

नई दिल्ली, 6 जून, 1989

का.आ. 1608—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसूचन में, केन्द्रीय सरकार इलाहाबाद बैंक के प्रबन्धन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निहित औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, कानपुर के पंचपट को प्रकाशित करना है, जो केन्द्रीय सरकार को प्राप्त हुआ था।

New Delhi, the 6th June, 1989

S.O. 1608.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Kanpur as shown in the Annexure in the industrial dispute between the employers in relation to the Allahabad Bank and their workmen, which was received by the Central Government.

ANNEXURE

BEFORE SHRI ARJAN DEV PRESIDING OFFICER
CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL
KANPUR

Industrial Dispute No. 8 of 1989

In the matter of dispute :

BETWEEN

Shri Pawan Lal C/o Shri V. N. Sekhari 26/104 Buhana
Road, Kanpur.

AND

The Asstt. General Manager Allahabad Bank Zonal
Office Swarup Nagar Kanpur.

AWARD

1. The Central Government, Ministry of Labour, vide its Notification No. L-12012/851/87-D.II (A) dated 5-1-89, has referred the following dispute for adjudication to this Tribunal :

Whether the action of the management of Allahabad Bank in terminating the services of Shri Pawan Lal w.e.f. 30-6-81, and not considering him for further employment while recruiting fresh hands under Sec. 25-H of the I. D. Act, is justified? If not, to what relief the workman concerned is entitled?

2. In the present case 23-2-89 was the date fixed for filing of claim statement by the workman but instead of filing the claim statement, Shri V. N. Sekhari moved an application with the prayer to issue notice at the address of the workman given in his application. On 23-2-89, the P.O. was on tour and so it was ordered to be put up on 20-3-89 before the P.O. On 20-3-89 the application was allowed and notice was issued to the workman at the address given by Shri Sekhari fixing 17-4-89 for filing claim statement. Despite issue of notice on 28-3-89 none has appeared for the workman.

3. As such it appears that the workman is not interested to prosecute his case.

4. In the circumstances discussed above a no claim award is given in the case.

ARJAN DEV, Presiding Officer
Sd/- 17-4-1989

[No. L-12012/851/87-D.II (A)]
N. K. VERMA, Desk Officer

नई दिल्ली, 7 जून, 1989

का.आ. 1609 :—केन्द्रीय सरकार ने यह समाधान हो जाने पर कि लोकहित में ऐसा करना अपेक्षित था, औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 2 के खंड (दृ) के उपखंड (vi) के उपबंधों के अनुसरण में भारत सरकार के श्रम मंत्रालय की अधिसूचना संख्या का.आ. 3654 दिनांक 1 दिसम्बर, 1988 द्वारा लौह अयस्क खनन उद्योग को उक्त अधिनियम के प्रयोजनों के लिए 8 दिसम्बर, 1988 से छह मास की कालावधि के लिए लोक उपयोगी सेवा घोषित किया था।

और केन्द्रीय सरकार की राय है कि लोकहित में उक्त कालावधि को छह मास की और कालावधि के लिए बढ़ाया जाना अपेक्षित है।

अतः अब, औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 2 के खंड (दृ) के उपखंड (vi) के परन्तुक द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार उक्त उद्योग को उक्त अधिनियम के प्रयोजनों के लिए 8 जून, 1989 से छह मास की और कालावधि के लिए लोक उपयोगी सेवा घोषित करती है।

[संख्या एम-11017/12/85-डी-I (ए)]

New Delhi, the 7th June, 1989

S.O. 1609. —Whereas the Central Government having been satisfied that the public interest so required had, in pursuance of the provisions of sub-clause (vi) of clause (n) of section 2 of the Industrial Disputes Act, 1947 (14 of 1947), declared by the Notification of the Government of India in the Ministry of Labour S.O. No. 3654 dated the 1st December, 1988 the iron ore mining industry to be a public utility service for the purposes of the said Act, for a period of six months, from the 8th December, 1988 ;

And, whereas, the Central Government is of opinion that public interest requires the extension of the said period by a further period of six months ;

Now, therefore, in exercise of the powers conferred by the proviso to sub-clause (vi) of clause (n) of section 2 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby declares the said industry to be a public utility service for the purposes of the said Act, for a further period of six months from the 8th June, 1989.

[No. S-11017/12/85-D.I (A)]

नई दिल्ली, 8 जून, 1989

का.आ. 1610 :—केन्द्रीय सरकार ने यह समाधान हो जाने पर कि लोकहित में ऐसा करना अपेक्षित था, औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 2 के खंड (दृ) के उपखंड (vi) के उपबंधों के अनुसरण में भारत सरकार के श्रम मंत्रालय की अधिसूचना संख्या का.आ. 3790 दिनांक 9 दिसम्बर, 1988 द्वारा किसी भी खनिज तेल (कच्चा तेल), मोटर और विमानन स्प्रिट, डीजल तेल, मिट्टी का तेल, ईंधन तेल, विविध हाइड्रोकार्बन तेल और उनके मिश्रण, जिनमें मिनरैलिक ईंधन, स्नेहक तेल और इसी प्रकार के तेल शामिल हैं, के निर्माण या उत्पादन में लगे उद्योग में सेवाओं को उक्त अधिनियम के प्रयोजनों के लिए 29 दिसम्बर, 1988 से छह मास की कालावधि के लिए लोक उपयोगी सेवा घोषित किया था।

और केन्द्रीय सरकार की राय है कि लोकहित में उक्त कालावधि को छह मास की और कालावधि के लिए बढ़ाया जाना अपेक्षित है।

अतः अब, औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 2 के खंड (दृ) के उपखंड (vi) के परन्तुक द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार उक्त उद्योग को उक्त अधिनियम के प्रयोजनों के लिए 29 जून, 1989 से छह मास की और कालावधि के लिए लोक उपयोगी सेवा घोषित करती है।

[संख्या एम-11017/12/84-डी-I (ए)]

New Delhi, the 8th June, 1989

S.O. 1610.—Whereas the Central Government having been satisfied that the public interest so required had, in pursuance of the provision of sub-clause (vi) of clause (n) of section 2 of the Industrial Disputes Act, 1947 (14 of 1947), declared by the notification of the Government of India in the Ministry of Labour, S.O. No. 3790 dated the 9th December, 1988, the industry engaged in the manufacture or production of minerals oil (crude oil), motor and aviation spirit, diesel oil, kerosene oil, fuel oil, diverse hydrocarbon oils and their blends including synthetic fuels, lubricating oils and the like, to be a public utility service for the purpose of the said Act, for a period of six months, from the 29th December, 1988 ;

And, whereas, the Central Government is of opinion that

public interest requires the extension of the said period by a further period of six months ;

Now, therefore, in exercise of the powers conferred by the proviso to sub-clause (vi) of clause (n) of section 2 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby declares the said industry to be a public utility service for the purposes of the said Act, for a further period of six months from the 29th June, 1989.

[No. S-11017/2/84-D.I (A)]

नई दिल्ली, 19 जून, 1989

का.आ. 1611 :—केंद्रीय सरकार का समाधान हो गया है कि लोकहित में ऐसा अपेक्षित है कि सिक्कुरटी पेपर मिल, होशंगाबाद को, जिसे औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की प्रथम अनुसूची का प्रविष्टि 21 के अन्तर्गत निर्दिष्ट किया गया है, उक्त अधिनियम के प्रयोजनों के लिए लोक उपयोगी सेवा घोषित किया जाना चाहिए ;

अतः अब, औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 2 के खण्ड (क) के उपखण्ड (vi) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केंद्रीय सरकार उक्त उद्योग को उक्त अधिनियम के प्रयोजनों के लिए तत्काल प्रभाव से छह मास की कालावधि के लिए लोक उपयोगी सेवा घोषित करती है।

[संख्या एस-11017/10/81-ऑ.मं. (नीति)]

New Delhi, the 19th June, 1989

S.O. 1611.—Whereas the Central Government is satisfied that the public interest requires that the Security Paper Mill, Hoshangabad, which is covered by item 21 of the First Schedule to the Industries Disputes Act, 1947 (14 of 1947), should be declared to be a public utility service for the purposes of the said Act ;

Now, therefore, in exercise of the powers conferred by sub-clause (vi) of clause (n) of section 2 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby declares with immediate effect the said industry to be a public utility service for the purposes of the said Act for a period of six months.

[No. S-11017/10/81-I.R. (Policy)]

का.आ. 1612 :—केंद्रीय सरकार ने यह समाधान हो जाने पर कि लोकहित में ऐसा करना अपेक्षित था औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 2 के खण्ड (क) के उपखण्ड (vi) के उपबंधों के अनुसरण में भारत सरकार के श्रम मंत्रालय की अधिसूचना संख्या का.आ. 173 दिनांक 2 जनवरी, 1989 द्वारा तांबा खनन उद्योग को उक्त अधिनियम के प्रयोजनों के लिए 2 जनवरी, 1989 से छः मास की कालावधि के लिए लोक उपयोगी सेवा घोषित किया था।

और केंद्रीय सरकार की राय है कि लोकहित में उक्त कालावधि को छः मास की और कालावधि के लिए बढ़ाया जाना अपेक्षित है ;

अतः, अब, औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 2 के खण्ड (क) के उपखण्ड (vi) के परन्तुक द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केंद्रीय सरकार उक्त उद्योग को उक्त अधिनियम के प्रयोजनों के

लिए 2 जुलाई, 1989 से छह मास की और कालावधि के लिए लोक उपयोगी सेवा घोषित करती है।

[का. एस-11017/7/85-आई.आर. (नीति)]

S.O. 1612.—Whereas the Central Government having been satisfied that the public interest so required had, in pursuance of the provision of sub-clause (vi) of clause (n) of section 2 of the Industrial Disputes Act, 1947 (14 of 1947), declared by the notification of the Government of India in the Ministry of Labour No. S.O. 173 dated the 2nd January, 1989 the Copper Mining Industry to be a public utility service for the purposes of the said Act, for a period of six months, from the 2nd January, 1989 ;

And, whereas, the Central Government is of opinion that public interest requires the extension of the said period by a further period of six months ;

Now, therefore, in exercise of the powers conferred by the proviso to sub-clause (vi) of clause (n) of section 2 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby declares the said industry to be a public utility service for the purposes of the said Act, for a further period of six months from the 2nd July, 1989.

[No. S-11017/7/85-I.R. (Policy)]

का.आ. 1613 :—केंद्रीय सरकार ने यह समाधान हो जाने पर कि लोकहित में ऐसा करना अपेक्षित था औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 2 के खण्ड (क) के उपखण्ड (vi) के उपबंधों के अनुसरण में, भारत सरकार के श्रम मंत्रालय की अधिसूचना संख्या का.आ. 59 दिनांक 16 दिसम्बर, 1988 द्वारा सीमेंट उद्योग को उक्त अधिनियम के प्रयोजनों के लिए 29 दिसम्बर, 1988 से छह मास की कालावधि के लिए लोक उपयोगी सेवा घोषित किया था ;

और केंद्रीय सरकार की राय है कि लोकहित में उक्त कालावधि को छह मास की और कालावधि के लिए बढ़ाया जाना अपेक्षित है ;

अतः अब, औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 2 के खण्ड (क) के उपखण्ड (vi) के परन्तुक द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केंद्रीय सरकार उक्त उद्योग को उक्त अधिनियम के प्रयोजनों के लिए 29 जून, 1989 से छह मास की और कालावधि के लिए लोक उपयोगी सेवा घोषित करती है।

[फाइल संख्या एस-11017/13/85-डी-1 (ए)]

S.O. 1613.—Whereas the Central Government having been satisfied that the public interest so required had, in pursuance of the provision of sub-clause (vi) of clause (n) of section 2 of the Industrial Disputes Act, 1947 (14 of 1947), declared by the notification of the Government of India in the Ministry of Labour S.O. No. 59 dated the 16th December, 1988 the Cement Industry to be a public utility service for the purposes of the said Act, for a period of six months, from the 29th December, 1988 ;

And, whereas, the Central Government is of opinion that public interest requires the extension of the said period by a further period of six months ;

Now, therefore, in exercise of the powers conferred by the proviso to sub-clause (vi) of clause (n) of section 2 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby declares the said industry to be a public utility service for the purposes of the said Act, for a further period of six months from the 29th June, 1989.

[No. S-11017/13/85-D.I (A)]

का. आ. 1614:—केन्द्रीय सरकार यह समाधान हो जाने पर कि लोकहित में ऐसा करना अपेक्षित था औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 2 के खंड (ड) के उपखंड (6) के उपबंधों के अनुसरण में भारत सरकार के श्रम मंत्रालय की अधिवृत्ता संख्या का. आ. 249 दिनांक 9 जनवरी, 1989 द्वारा पाइराइट्स खनन उद्योग को उक्त अधिनियम के प्रयोजनों के लिए 9 जनवरी, 1989 से छः मास की कालावधि के लिए लोक उपयोगी सेवा घोषित किया था।

और केन्द्रीय सरकार की राय है कि लोकहित में उक्त कालावधि को छः मास की और कालावधि के लिए बढ़ाया जाना अपेक्षित है,

अतः श्रम औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 2 के खंड (ड) के उपखंड (6) के परन्तुक द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार उक्त उद्योग को उक्त अधिनियम के प्रयोजनों के लिए 9 जुलाई, 1989 से छः मास की और कालावधि के लिए लोक उपयोगी सेवा घोषित करती है।

[सं. एन-11017/1/89-प्राईमर (निवि)]

S.O. 1614.—Whereas the Central Government having been satisfied that the public interest so required had, in pursuance of the provision of sub-clause (vi) of clause (n) of section 2 of the Industrial Disputes Act, 1947 (14 of 1947), declared by the notification of the Government of India in the Ministry of Labour S.O. No. 249 dated the 9th January, 1989 the Pyrites Mining Industry to be a public utility service for the purposes of the said Act, for a period of six months, from the 9th January, 1989 ;

And, whereas, the Central Government is of opinion that public interest requires the extension of the said period by a further period of six months ;

Now, therefore, in exercise of the powers conferred by the proviso to sub-clause (vi) of clause (n) of section 2 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby declares the said industry to be a public utility service for the purposes of the said Act, for a further period of six months from the 9th July, 1989.

[No. S-11017/1/80-I.R. (Policy)]

का. आ. 1615—केन्द्रीय सरकार ने यह समाधान हो जाने पर कि लोकहित में ऐसा करना अपेक्षित था, औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 2 के खंड (ड) के उपखंड (6) के उपबंधों के अनुसरण में, भारत सरकार के श्रम मंत्रालय की अधिवृत्ता संख्या का. आ. 171, दिनांक 2 जनवरी, 1989 द्वारा कोयला उद्योग को उक्त अधिनियम के प्रयोजनों के लिए 2 जनवरी, 1989 से छह मास की कालावधि के लिए लोक उपयोगी सेवा घोषित किया था ;

और केन्द्रीय सरकार की राय है कि लोकहित में उक्त कालावधि की छह मास की और कालावधि के लिए बढ़ाया जाना अपेक्षित है ;

अतः श्रम औद्योगिक विवाद अधिनियम 1947 (1947 का 14) की धारा 2 के खंड (ड) के उपखंड (6) के परन्तुक द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार

उक्त उद्योग को उक्त अधिनियम के प्रयोजनों के लिए 2 जुलाई 1989 से छह मास की और कालावधि के लिए लोक उपयोगी सेवा घोषित करती है।

[सं. एन-11017/13/81-प्राईमर (निवि)]

S.O. 1615.—Whereas the Central Government having been satisfied that the public interest so required had, in pursuance of the provisions of sub-clause (vi) of clause (n) of section 2 of the Industrial Disputes Act, 1947 (14 of 1947), declared by the notification of the Government of India in the Ministry of Labour S.O. No. 171 dated the 2nd January, 1989, the Coal Industry to be a public utility service for the purposes of the said Act for a period of six months from the 2nd January, 1989 ;

And, whereas, the Central Government is of opinion that public interest requires the extension of the said period by a further period of six months ;

Now, therefore, in exercise of the powers conferred by the proviso to sub-clause (vi) of clause (n) of section 2 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby declares the said industry to be a public utility service for the purpose of the said Act, for a further period of six month from the 2nd July, 1989.

[No. S-11017/13/81-I.R. (Policy)]

नई दिल्ली, 21 जून, 1989

का. आ. 1616—केन्द्रीय सरकार ने यह समाधान हो जाने पर कि लोकहित में ऐसा करना अपेक्षित था औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 2 के खंड (ड) के उपखंड (6) के उपबंधों के अनुसरण में भारत सरकार के श्रम मंत्रालय की अधिवृत्ता संख्या का. आ. 60 दिनांक 16 दिसम्बर 1988 द्वारा बैंकिंग उद्योग की जो उक्त अधिनियम की धारा 2 के खंड (खब) में बचा-परिभाषित बैंकिंग कंपनी द्वारा चलाया जाता है, उक्त अधिनियम के प्रयोजनों के लिए 29 दिसम्बर, 1988 से छः मास की कालावधि के लिए लोक उपयोगी सेवा घोषित किया था ;

और केन्द्रीय सरकार की राय है कि लोकहित में उक्त कालावधि की छः मास की और कालावधि के लिए बढ़ाया जाना अपेक्षित है ;

अतः श्रम औद्योगिक विवाद अधिनियम, 1947 (1947 का 34) की धारा 2 के खंड (ड) के उपखंड (6) के परन्तुक द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार उक्त उद्योग को उक्त अधिनियम के प्रयोजनों के लिए 29 जून 1989 से छः मास की और कालावधि के लिए लोक उपयोगी सेवा घोषित करती है।

[सं. एन-11017/2/85-डी-1 (ए)]

New Delhi, the 21st June, 1989

S.O. 1616.—Whereas the Central Government having been satisfied that the public interest so required had, in pursuance of the provision of sub-clause (vi) of clause (n) of section 2 of the Industrial Disputes Act, 1947 (14 of 1947), declared by the notification of the Government of India in the Ministry of Labour S.O. No. 60 dated the 16th December, 1988 the Banking Industry carried on by a Banking Company as defined in clause (bb) of section 2 of the said Act to be a public utility service for the purpose of the said Act, for a period of six months from the 29th December, 1988 ;

And whereas, the Central Government is of opinion that public interest requires the extension of the said period by a further period of six months ;

Now, therefore, in exercise of the powers conferred by the proviso to sub-clause (vi) of clause (n) of section 2 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby declares the said industry to be a public utility service for the purpose of the said Act, for a further period of six months from the 29th June, 1989.

[No. S-11017/2/85-D.I (A)]

आदेश

नई दिल्ली, 23 जून, 1989

का. आ. 1617—भारत सरकार के नवकालीन श्रम और रोजगार मंत्रालय की अधिनियम संख्या का. आ. 458, तारीख 5 फरवरी, 1983 द्वारा गठित श्रम न्यायालय, जालंधर के पीठासीन अधिकारी का पद रिक्त हुआ है ;

अतः अब औद्योगिक विवाद अधिनियम, 1947 (1947 का 11) की धारा 8 के उपबंध के अनुसरण में, केन्द्रीय सरकार श्री आई. सी. अग्रवाल की उक्त न्यायालय के पीठासीन अधिकारी के रूप में नियुक्त करती है।

[संख्या एम-11020/2/81-डी-1 (ए)]

नन्द लाल, प्रवर सचिव

ORDER

New Delhi, the 23rd June, 1989

S.O. 1617.—Whereas a vacancy has occurred in the office of the Presiding Officer of the Labour Court, Jalandhar, constituted by the notification of the Government of India in the late Ministry of Labour and Employment No. S.O. 458 dated the 5th February, 1983 ;

Now, therefore, in pursuance of the provisions of section 8 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby appoints Shri J. C. Aggarwal, as the Presiding Officer of the said Court.

[No. S-11020/2/81-D.I (A)]
NAND LAL, Under Secy.

नई दिल्ली, 8 जून, 1989

का. आ. 1618—खान अधिनियम, 1952 (1952 का 35) की धारा 5 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार श्री निशित कान्त चौधरी की अगले आदेशों तक मुख्य खान निरीक्षक के अधीन खान निरीक्षक नियुक्त करती है।

[फा. सं. ए-12028/4/86-खान-I (आई.एम.एच.-I)]

New Delhi, the 8th June, 1989

S.O. 1618.—In exercise of the powers conferred by sub-section (1) of section 5 of the Mines Act, 1952 (35 of 1952), the Central Government hereby appoints Shri Nishith Kanta Chaudhuri as Inspector of Mines subordinate to the Chief Inspector of Mines, until further orders.

[No. A-12028/4/86-M.I (ISH-I)]

नई दिल्ली, 22 जून, 1989

का. आ. 1619—खान अधिनियम, 1952 (1952 का 35) की धारा 5 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार श्री लाल देव शर्मा को अगले आदेशों तक मुख्य खान निरीक्षक के अधीन खान निरीक्षक नियुक्त करती है।

[फा. सं. ए-12028/4/86-खान-I/आई.एम.एच.-I]

New Delhi, the 22nd June, 1989

S.O. 1619.—In exercise of the powers conferred by sub-section (1) of section 5 of the Mines Act, 1952 (35 of 1952), the Central Government hereby appoints Shri Lal Deo Sharma as Inspector of Mines subordinate to the Chief Inspector of Mines, until further orders.

[No. A-12028/4/86-M.I/ISH-I]

का. आ. 1620—खान अधिनियम, 1952 (1952 का 35) की धारा 5 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार श्री दिनेश पाण्डेय को अगले आदेशों तक मुख्य खान निरीक्षक के अधीन खान निरीक्षक नियुक्त करती है।

[फा. सं. ए-12028/3/86-खान-I/आई.एम.एच.-I]

S.O. 1620.—In exercise of the powers conferred by sub-section (1) of section 5 of the Mines Act, 1952 (35 of 1952), the Central Government hereby appoints Shri Dinesh Pandey as Inspector of Mines subordinate to the Chief Inspector of Mines, until further orders.

[No. A-12028/3/86-M.I/ISH-I]

का. आ. 1621—खान अधिनियम, 1952 (1952 का 35) की धारा 5 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार श्री स्वप्न कुमार दत्त को अगले आदेशों तक मुख्य खान निरीक्षक के अधीन खान निरीक्षक नियुक्त करती है।

[फा. सं. ए-12025/1/87-खान-I/आई.एम.एच.-I]

S.O. 1621.—In exercise of the powers conferred by sub-section (1) of section 5 of the Mines Act, 1952 (35 of 1952), the Central Government hereby appoints Shri Swapan Kumar Dutta as Inspector of Mines subordinate to the Chief Inspector of Mines, until further orders.

[No. A-12025/1/87-M.I/ISH-I]

का. आ. 1622—खान अधिनियम, 1952 (1952 का 35) की धारा 5 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार डॉ. ए. के. सेन को अगले आदेशों तक मुख्य खान निरीक्षक के अधीन खान निरीक्षक नियुक्त करती है।

[फा. सं. ए-12028/2/86-खान-I/आई.एम.एच.-I]

राम निवस पाण्डेय, उप सचिव

S.O. 1622.—In exercise of the powers conferred by sub-section (1) of section 5 of the Mines Act, 1952 (35 of 1952), the Central Government hereby appoints Dr. A. K. Sen as Inspector of Mines subordinate to the Chief Inspector of Mines, until further orders.

[No. A-12028/2/86-M.I (ISH-I)]
R. T. PANDEY, Dy. Secy.

नई दिल्ली, 19 जून, 1989

का. आ. 1623—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार, मैसूर भारत कॉर्पिंग कॉल लिमिटेड की कानूनम चैम्बर्डह कॉलियरी के प्रबंधन में सम्बद्ध नियोजकों और उनके कर्मचारियों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण (सं. 2), धनबाद के पंचाट का प्रकाशित करती है, जो केन्द्रीय सरकार का 9-6-89 को प्राप्त हुआ था।

New Delhi, the 19th June, 1989

S.O. 1623.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal (No. 2), Dhanbad as shown in the Annexure in the industrial dispute between the employers in relation to the management of Katras Choitudih Colliery of M/s. Bharat Coking Coal Ltd. and their workmen, which was received by the Central Government on 9-6-1989

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (NO. 2) AT DHANBAD

Reference No. 169 of 1986

In the matter of an industrial dispute under section 10(1)(d) of the I. D. Act, 1947

PARTIES :

Employers in relation to the management of Katras Choitudih Colliery of M/s. Bharat Coking Coal Limited and their workmen.

APPEARANCES :

On behalf of the workmen—Shri J. P. Singh, Advocate.
On behalf of the employers—Shri B. Joshi, Advocate.

STATE : Bihar

INDUSTRY : Coal

Dated, Dhanbad, the 31st May, 1989

AWARD

The Government of India, Ministry of Labour in exercise of the powers conferred on them under section 10(1)(d) of the I. D. Act, 1947 has referred the following dispute to this Tribunal for adjudication vide their Order No. L-20012/359/85-D.III (A), dated, the 28th April, 1986.

SCHEDULE

"Whether the action of the management of Katras Choitudih Colliery of Area No. IV of M/s. Bharat Coking Coal Limited P.O. Sijua, Dhanbad in stopping Shri Muneshwar Bhuiya and 12 others (Annexure below) from their work since 1975 is justified? If not, to what relief the workmen are entitled?"

ANNEXURE

1. Shri Muneshwar Bhuiya
2. Shri Janki Bhuiya
3. Shri Tulsi Bhuiya
4. Shri Puna Rajak
5. Shri Rameshwar Bhuiya
6. Shri Ram Prasad Bhuiya
7. Shri Shanichar Bhuiya
8. Shri Kailash Bhuiya
9. Shri Jai Ram Bhuiya
10. Shri Manawa Bhuiya
11. Shri Kaila Bhuiya
12. Shri Kara Bhuiya
13. Shri Rajdeo Bhuiya

The case of the workmen is that the 13 concerned workmen were working as casual wagon loaders in Katras Choitudih Colliery of Area No. IV of M/s. BCCL since before nationalisation. They were stopped from their work by the management without assigning any reason in 1975. The concerned workmen as well as their union took up the case of their illegal stoppage of work with the management verbally as well as in writing. But the management did not allow them to work. There were several discussions between the concerned workmen's union namely, Dalit Mazdoor Sangh and the management. According to the recorded note of discussion dated 21-1-84 between the management and the union it was pointed out by the management that the attendance etc. of the concerned workmen would be checked and verified and thereafter further action will be taken to settle their case. Even thereafter there were several discussions of which minutes of discussions were recorded in respect of giving employment to the concerned workmen and it always transpired that the case of the concerned workmen would be settled. The management in its letter dated 27-3-84 under the signature of the Personnel Manager of Area No. IV addressed to the Personnel Manager (IR) Karmik Bhawan Headquarters pointed out that the concerned workmen had put in 75 days of attendance and that the industrial dispute raised in their case by the Union was closed on 26-6-82 for mutual discussion and

settlement but even thereafter the dispute was not settled and the concerned workmen were not allowed to resume their duty. Subsequently the management expressed that barring the case of female workers the case of the male workers would be settled as per policy decision of the management but even then the management did not consider the case of even the concerned male workmen. Thereafter the Union raised an industrial dispute before the ALC(C), Dhanbad. The ALC(C), Dhanbad started conciliation proceeding and on failure of the conciliation the conciliation report was sent to the Government and thereafter the present reference was made to this Tribunal for adjudication. The action of the management in not allowing the concerned workmen to work is illegal arbitrary unjustified and malafide. On the above facts it is held that the concerned workmen be reinstated with full back wages from the date of their stoppage of work.

The case of the management is that the Union had failed to give the Form B, and CMPT Nos of the concerned persons and did not produce their identity card before the ALC (C) at the time of conciliation proceeding. The union's case before the ALC(C) was that the concerned persons were working as wagon loaders and were stopped from their duty in the year 1973 and as such the very reference based on the allegation of stoppage of their duty in 1975 is based on imaginary allegations. There was absolutely no occasion for the management to stop the wagon loader in the year 1973 or 1975. The present reference suffers from great delay in raising the industrial dispute and on the said basis alone the case of the workmen is liable to be rejected. The concerned persons were never in the employment of the colliery and the present reference is based on connected allegations. The workmen are now trying to take advantage of lapse of several years as most of the record of the colliery are not available after such a long period. Some of the concern persons are making attempts to enter into the services of the management by impersonating transferred dead and retired persons. The concerned persons failed to produce any authentic document to show that they had ever worked in Katras Choitudih Colliery. The Union had submitted that the concerned persons were unlisted/delisted casual wagon loaders and had put 75 days of attendance during the year 1973 to 1975 and as such they should be taken as badli miners/loaders as per circular of the management dated 4-8-80. During the years 1973 to 1975 there were permanent and casual wagon loaders. The permanent wagon loaders were members of C.M.P.F. whereas the casual wagon loaders might or might not be the members of the C.M.P.F. Permanent wagon loaders used to be provided with jobs on all working days whereas casual wagon loaders used to be provided jobs whenever extra jobs used to be available on the days when more wagons used to be placed at the sidings for loading. The casual wagon loaders had no right to claim for regular jobs on all working days. The casual wagon loaders could not claim for continuity of service and their employment was when so required. The casual wagon loaders had also no obligation to present themselves for job regularly nor they were required to give notice to leave his employment. Many of the casual wagon loaders left their employment in the year 1973 to 1975 on finding alternative employment elsewhere. The management had not taken any policy decision to stop casual wagon loaders during years 1973 to 1975. In 1976 the management prohibited employment of unlisted casual wagon loaders and introduced mechanical loadings of wagons. The concerned persons are not genuine workmen. None of the workmen bearing the names given in the annexure to the schedule of reference was ever stopped from his work in the year 1973 or 1975. On the above facts it is submitted that the concerned persons are not entitled to any relief.

The points for consideration are :—

- (1) Whether the 13 concerned workmen were working as casual wagon loaders in Katras Choitudih Colliery?
- (2) Whether their work was stopped by the management in 1975 and whether there was any justification for it.

The management and the workmen each examined two witnesses in support of their respective case. The management's documents are marked Ext. M-1 to M-8 and the documents of the workmen are marked Ext. W-1 to W-12.

Point No. 1

During the course of hearing of the case the management examined MW-1, who has stated that he is working in Katras Choitudih colliery since 1951. He was formerly working as Bonus Clerk and since about 20 years he is working as Bonus incharge. He has stated that a separate Form B Register of the casual employees working as wagon loaders is maintained and that another Form B Register is maintained for permanent wagon loaders. Ext. M-2 is Form B Register of Katras Choitudih colliery in respect of permanent wagon loaders and Ext. M-1 is Form B Register in respect of casual workmen. MW-1 has stated that sometimes delisted casual wagon loaders also worked as wagon loader but their names do not appear either in Ext. M-1 or Ext. M-2. He has stated that all the wagon loaders including permanent casual and delisted casual wagon loaders are getting wages and bonus and bonus cards are issued to each of them. In his further examination-in-chief MW-1 has stated that he was making payment to all the workmen of the colliery. He has also brought and exhibited death certificate Ext. M-4 which shows that the concerned workman Janki Bhuia died on 9th July, 1985 and his dependent was appointed in his place. The appointment letter Ext. M-5 and M-6 shows that Ram Prasad Bhuia son of late Janki Bhuia was given employment as Miner/loader in the year 1988. The fact that the concerned workman Janki Bhuia is dead is admitted by WW-1 Karu Ram also. WW-1 further admitted that Sanichar Bhuia died on 10th May, 1986. MW-1 further stated that Muneshwar Bhuia and Puna Bhuia also died. MW-2 has stated that the concerned workmen Muneshwar Bhuia, Janki Bhuia and Puna Rajak are dead. The workmen however, examined WW-2 who claims to be the concerned workman Muneshwar Bhuia. No document or oral evidence has been adduced to establish that Muneshwar Bhuia is dead. Under the circumstances it is difficult to hold that the concerned workmen Muneshwar Bhuia is dead. However, there is evidence of MW-1 and MW-2 to show that Janki Bhuia and Puna Rajak are dead. The evidence of WW-1 further shows that the concerned workman Sanichar Bhuia also died on 10th May, 1986. Thus the concerned workman Janki Bhuia, Puna Rajak and Sanichar Bhuia are dead.

MW-1 has produced Bonus sheet Ext. M-7 and the photo copy of wage-sheet Ext. M-8 of the concerned workmen Tulsi Bhuia, Rameswar Bhuia Manwa Bhuia and Kailash Bhuia. It will thus appear that these 4 persons are already working in BCCIL. MW-1 has further stated that Kailash Bhuia has been transferred to Ramkanali colliery. According to him the concerned workman Ram Prasad Bhuia Sanichar Bhuia, Jaiaram Bhuia, Kara Bhuia and Rajdeo Bhuia never worked in Katras Choitudih colliery.

MW-2 Shri S. D. Singh is a Bonus Clerk in Katras Choitudih colliery. He has stated that the names of the concerned workmen are not mentioned in the Bonus Register for the year 1970 to 1973. Ext. M-3 to Ext. M-3/2. He has stated that the concerned workmen Muneshwar Bhuia, Janki Bhuia, Tulsi Bhuia, Puna Rajak, Rameswar Bhuia, Kailash Bhuia, Manowa Bhuia and Kailash Bhuia had worked as unlisted wagon loader in 1974 and 1975 in Katras Choitudih colliery. Thus it is admitted that the above named 8 concerned workmen worked as unlisted wagon loader in Katras Choitudih colliery during 1974 and 1975.

MW-2 has stated that the concerned workman Ram Prasad Bhuia, Sanichar Bhuia, Jaiaram Bhuia, Kara Bhuia and Rajdeo Bhuia had not worked in Choitudih colliery. He has further stated that Tulsi Bhuia, Rameswar Bhuia, Kailash Bhuia, Manowa Bhuia and Kailash Bhuia had worked as unlisted Choitudih colliery. Out of the 8 concerned workmen who are admitted by MW-2 to have worked as wagon loader in Katras Choitudih colliery in 1974-75, the concerned workmen Janki Bhuia and Puna Rajak are admittedly dead and the concerned five workmen Tulsi Bhuia, Rameswar Bhuia, Manwa Bhuia and Kailash Bhuia are still working in Katras Choitudih Colliery and Kailash Bhuia is working in Ram Kanali colliery. So far the concerned workmen Muneshwar Bhuia is concerned the case of the management is that he is dead but a person claiming to be Muneshwar Bhuia has examined himself as WW-2 in this case in respect of whom it cannot be said that Muneshwar Bhuia is dead. There is no record to show that Ram Prasad Bhuia Sanichar Bhuia, Jaiaram Bhuia, Kara Bhuia and Rajdeo Bhuia were working in Katras Choitudih colliery.

During the course of evidence a case has been developed on behalf of the workmen that they were formerly working in Lakarka colliery as casual wagon loader and as the records of Lakarka colliery have not been produced it cannot be said that they had not worked as casual wagon loader. According to the case of the workman Lakarka colliery was merged with Katras Choitudih colliery after nationalisation and thereafter the work of the concerned workmen was stopped. It was never the case of the workmen in the W.S. that the concerned workmen had ever worked in Lakarka colliery. On the contrary it is specifically stated that they were workmen of Katras Choitudih colliery. The workmen had no doubt called for Form B, Registers, Bonus Registers and other papers from the management but it is nowhere stated that they were calling for the documents of Lakarka colliery. As the case was that the concerned workmen were wagon loaders of Katras Choitudih colliery the management produced some documents called for by the workmen and there was absolutely no reason for the management to foresee the case of the workmen that they were intending the production of the documents of Lakarka colliery.

WW-1 Shri Karu Ram is the General Secretary of Dalit Mazdoor Sangh who had raised the present industrial dispute. He also claimed that from 1970 to 1974 he had worked in Lakarka section of Katras Choitudih colliery and at that time he was called Kara Bhuia and was working as wagon loader. He claims to be one of the concerned workmen named Kara Bhuia. He describes himself as Karu Ram. He has stated that his work as wagon loader has been stopped in 1974 along with other concerned workmen. Thus it appears from his evidence that the work of the concerned workmen were stopped in 1974 and not in 1975 as is now being claimed by the workmen. WW-1 has stated that in all the papers he described himself as Karu Ram and not as Kara Bhuia. There is no case of the workmen in the W.S. that Karu Ram was formerly known as Kara Bhuia although the W.S. was drafted at the instance of WW-1 Karu Ram. WW-1 Karu Ram describes himself as son of Barhan Bhuia but there is no such Karu Ram son of Barhan Bhuia in any of the papers filed on behalf of the management in this case. The workmen's Ext. 4 gives the name of concerned workmen in respect of whom industrial dispute was raised in which Kara Bhuia is described as son of Badari Bhuia. There is also no evidence to show that Karu Ram was formerly known as Kara Bhuia. WW-2 is one of the concerned workman who claims to be working as wagon loader in Lakarka colliery where Shri Karu Ram claims to have worked in the name of Kara Bhuia but WW-2 has not stated that Shri Karu Ram was working in Lakarka colliery as Kara Bhuia. I hold therefore that there is absolutely no evidence to show that the concerned workman Kara Bhuia is the same as WW-1 Karu Ram.

Ext. W-1 is the minutes of discussion dated 14th January, 1984 between the management and the union of the workmen. Item No. 3 is in respect of the concerned workmen. In this demand also it appears that according to the workmen they were stopped in December, 1973 and March, 1974 and not in 1975. The decision was that the demand was belated one and that the case of the concerned persons will be verified from the records. Ext. W-2 is another minutes of discussion dated 21st January, 1984 and 17th February, 1984 between the management and the union. Item No. 3 is demand regarding employment case of S/Shri Manwa Bhuia and 13 other loading mazdoor of Katras Colliery. The decision was that as per policy decision of the management it was not feasible to consider the case of female delisted casual but as regards male delisted casuals their attendance etc. shall be checked and verified and further action shall be taken as per policy decision. Ext. W-3 is a letter from Sarvajit Singh Personnel Manager of Katras Area dated 27th March, 1984 to the Personnel Manager, Karmik Bhawan which shows that Manwa Bhuia casual wagon loaders had attendance of 75 days in 1973 and 90 days in 1974. Thus it is clear that Manwa Bhuia had attendance of more than 75 days in 1973 and 1974. According to MW-2 Manwa Bhuia is already working in BCCIL. In Ext. W-4 dated 18th October, 1984 Shri Karu Ram asserted that other 12 concerned workmen also had attendance of more than 75 days in the year 1975 and as such they should be given employment by the management. No evidence has been adduced by the workmen to show that the other concerned workmen had attendance of more than 75 days. The management however has exhibited the comment Ext. W-5 dated 20th May, 1985

which was filed before the ALC(C) in the Industrial dispute raised by the workmen. The chart attached along with the said letter has given in details the names of the concerned workmen which is included in Form B Register and Bonus Register and also their father's name address etc. No efforts have been made on behalf of the workmen to show that the particulars stated in the chart attached with Ext. W-5 are incorrect. It almost gives the details and particulars of the concerned persons which I have already discussed. Ext. M-7 series is the extract from Bonus Register of 1988 showing the names of the 8 concerned workmen and as such it is established that those 8 persons are continuing to work in BCCCL. In view of the evidence discussed above I hold that the concerned workmen, Ram Prasad Bhuia, Sanichar Bhuia, Jairam Bhuia, Kara Bhuia and Raideo Bhuia as explained in chart attached to Ext. W-5, had not worked as casual wagon loader of Katras Choitudih Colliery. I further hold that the remaining 8 concerned workmen namely S/Shri Muneswar Bhuia, Janki Bhuia, Tulsi Bhuia, Puna Rajak, Rameswar Bhuia, Kailash Bhuia, Nanwa Bhuia and Kaila Bhuia had worked in Katras Choitudih colliery out of whom the concerned workmen Janki Bhuia and Puna Rajak are admittedly dead.

Point No. 2

The case of the workmen is that the work of the concerned workmen was stopped by the management in 1975. I have already discussed the evidence while discussing the evidence of MW-1 Karn Ram who stated that the concerned workmen were stopped in 1974. In Ext. W-1 the demand of the workmen was that the concerned workmen were stopped from work in December, 1973 and March, 1974. Moreover there is nothing on the record to show that Ram Prasad Bhuia and Sanichar Bhuia, Jairam Bhuia, Kara Bhuia and Raideo Bhuia had completed attendance of more than 75 days in Katras Choitudih colliery in or prior to the year 1975, and as such they are not entitled to the benefit of the provision of the circular of the management of 1980 so as to enrol them as badli miner/loader. In my opinion there is no evidence to show that the 5 concerned persons whose names I have stated above were stopped in 1975. Even if the 8 concerned workmen had been stopped in 1975 the management did consider their case and give them employment. In respect of Muneswar I have already held that there is no record to show that he is dead and accordingly I hold that he is alive. This point is accordingly decided.

In the result, I hold that the management had not stopped the work of the 13 concerned workmen. As held above the concerned workmen Ram Prasad Bhuia, Sanichar Bhuia, Jairam Bhuia, Kara Bhuia and Raideo Bhuia had not worked as wagon loader in Katras Choitudih colliery and that the remaining 8 concerned workmen had worked in Katras Choitudih colliery out of whom Janki Bhuia and Puna Rajak admittedly died. 5 of the concerned workmen, namely, Tulsi Bhuia, Rameswar Bhuia, Kailash Bhuia, Manwa Bhuia and Kaila Bhuia are still working in Katras Choitudih Colliery and as such no relief is to be granted to them. So far Muneswar Bhuia is concerned he may be given employment after proper verification through Police as there has been a conflicting evidence whether he is dead or alive. If on verification it is found that Muneswar Bhuia s/o Bihari Bhuia of village Alahi P.O. Jamui District Monghyr is alive and had formerly worked in Katras Choitudih colliery the management should give employment to him within one month from the date of publication of the Award.

This is my Award.

I. N. SINHA, Presiding Officer

[No. L-20012(359)/85-D.III (A)/IR (Coal-I)]

का.आ. 1624.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अन्वय में, केन्द्रीय सरकार, मैसर्स भारत कोकिंग कोल लिमिटेड की माउथ निसरा कोलियरी के प्रबंधन में सम्बद्ध नियोजकों और उनके कर्मचारियों के बीच, अन्वय में निर्दिष्ट औद्योगिक विवाद में 1783 GI/89 -3

केन्द्रीय सरकार 'औद्योगिक अधिकरण (सं. 2), धनबाद के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 6-6-1989 को प्राप्त हुआ था।

S.O. 1624.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal (No. 2), Dhanbad as shown in the Annexure in the industrial dispute between the employers in relation to the management of South Tisra Colliery of M/s. Bharat Coking Coal Ltd. and their workmen, which was received by the Central Government on the 6-6-1989.

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (NO. 2) AT DHANBAD

Reference No. 7 of 1982

In the matter of an industrial dispute under Section 10(1)(d) of the I. D. Act, 1947

PARTIES :

Employers in relation to the management of South Tisra Colliery of Messrs. Bharat Coking Coal Limited, Post Office Khas Jeenagora, Distt. Dhanbad and their workmen.

APPEARANCES :

On behalf of the employers : Shri B. Joshi, Advocate.

On behalf of the workmen : Shri S. Bose, Secretary, R.C.M.S.

STATE : Bihar.

INDUSTRY : Coal.

Dated, Dhanbad, the 29th May, 1989

AWARD

The Government of India, Ministry of Labour in exercise of the powers conferred on them under Section 10(1)(d) of the I. D. Act, 1947 has referred the following dispute to this Tribunal for adjudication vide their Order No. L-20012(295)/81-D.III(A), dated, the 23rd January, 1982.

SCHEDULE

"Whether the demand of the workmen of South Tisra Colliery of Area No. X of Messrs. Bharat Coking Coal Limited, Post Office Khas Jeenagora, District Dhanbad that the workmen, mentioned in the Annexure should continue to be treated by the management as Casual Wagon Loaders beyond the 26th October, 1976, as before, is justified? If so, to what relief are the workmen concerned entitled?

ANNEXURE

1. Bharat Mullick
2. Budhwa B.P.
3. Munnialal
4. Sriram Singh
5. Mantu Bouri
6. Rafaram Pathak
7. Chhatu Gope
8. Raghunandan Sao
9. Pran Bouri
10. Siboharan Yadav
11. Binode Bouri
12. Moti Mochi
13. Teba Bouri
14. Kishan Mochi
15. Magaram Bouri
16. Prabodh Kumar
17. Basudeo Bouri
18. Bisundeo
19. Gvani Bouri
20. Sunil Bouri
21. Surjnarain
22. Durga Singh
23. Gopal Bouri
24. Sitaran Mahato
25. Ram Nihore
26. Ramboli Prasad
27. Ram Darshan
28. Sivaram Singh
29. Virbal

30. Dawarika Prasad
31. Lachcho Mochl
32. Mulchand Yadav
33. Suhabal Mochi
34. Ramdhar Singh
35. Bhajan Bouri
36. Lalchand Yadav
37. Babban Yadav
38. Chandradeo Yadav
39. Basisth Yadav
40. Deokinath Pandey
41. Chander Gope
42. Balkarain Singh
43. Jawala Prasad
44. Priithi Choudhary
45. Ram Nagina
46. Mongal Das
47. Ram Lochan
48. Girija Prasad
49. Sukhdeo Bhuia
50. Ramprakash
51. Chaman Lal
52. Nageshwar Pathak
53. Abbas Ali
54. Dharendra Dubey
55. Trilochan Ram
56. Rajna'h Dubey
57. Shankar Bhuia
58. Ramaya Tiwari
59. Ramswarup Bhuia
60. Awadhesh Upadhyaya
61. Rabishankar Singh
62. Ashutosh Pandey
63. P. K. Gajendra
64. Laldeo Singh
65. Binay Kr. Singh
66. Rakesh Singh
67. Tein Kr. Singh
68. Radhika Mallahin
69. Prabhunath Singh
70. Achala Bourin
71. Bimla Bourin
72. Bijay Kr. Singh
73. K. N. Singh
74. Krishna Kumar
75. Omprakash Singh
76. Bhulan Devi
77. Radhika Kamin
78. Biswanath Singh
79. Adori Kamin
80. Anil Kumar
81. Pramod Singh
82. Chari Bourin
83. Neeti Bourin
84. Jairain Singh
85. R. D. Pandey
86. Nitv Modin
87. Sudama Singh
88. Ram Awar
89. Babhan Choudhary
90. Shiv Shanker
91. Siomurath Ram
92. Arjun Sao
93. Mahavir Singh
94. Jaibrat Singh
95. Munshi Das
96. Balmukund Pandey
97. Bodhi Dhobi
98. Ramianam Mahato
99. Ramesh Prasad
100. Fatesh Bahadur
101. Kaliaka Sukul
102. Damodar Singh
103. Yugal Das
104. Kanhaiya Singh
105. Dukhan Mallah
106. Inadish Mallah
107. Bilash Mallah
108. Surendra Dusadh
109. Sital Dusadh
110. Ramnvesh Dusadh
111. Janki Dusadh
112. Krinal Dusadh
113. Haripal Dusadh
114. Khirosi Dusadh

115. Loohan Mahato
116. Pitambar Das
117. Chandrika Das
118. Jugdeo Das
119. Ganesh Das.

The case of the workmen is that the concerned 119 workmen were working as Wagon Loader-cum-Truck Loader of Coal in South Tisra Colliery of Area No. X of M/s. BCCL. They were doing their duties of wagon loading-cum-truck loading at the colliery premises/depot/siding since before the take over and nationalisation of the concerned colliery by the Central Government. After nationalisation several collieries were amalgamated together to constitute the present South Tisra Colliery resulting in increase in coal raising and coal despatch by railway wagons as well as by trucks. Prior to nationalisation wagon loading and truck loading jobs were mostly done by wagon loaders who were generally kept outside the permanent rolls for depriving the workmen from the benefits of permanent employees such as quarterly bonus and annual bonus contributory provident fund etc. After nationalisation M/s. BCCL regularised the services of the wagon loaders/truck loaders on the same job or alternative jobs as made available to them from colliery to colliery. M/s. BCCL introduced a scheme of retaining persons designated as delisted casual wagon loader and prepare their pay bills along with the pay bills of permanent and listed casual and payment were made to delisted casual on adhoc basis without retaining any records for them. The concerned workmen performed duties in South Tisra Colliery as wagon loaders continuously since 1973 till 26-10-76 and thereafter their names were removed by the management without any notice. At the same time when the names of the concerned workmen were removed, the management regularised in the same area a large number of casual wagon loaders as permanent wagon loaders in different collieries according to the management's own choice. The union of the workmen took up the matter of the concerned workmen at different levels of the colliery. The matter received attention of the management and general policy decision was taken by the management in 1978. A circular dated 21-9-78 was issued by the General Manager Personnel BCCL that any delisted casual who were put in duty at the rate of 190 days in the underground and 240 days on the surface during the calendar year 1977 be regularised in their respective employment. The union of the concerned workmen continued their demand with the management since the names of the concerned workmen had been removed from the register of the management in October, 1976 and as such they were to be deprived from the benefit of the aforesaid policy decision of 1978. Several other cases of similar nature were also raised by different trade union of the workmen before M/s. BCCL and after mutual negotiation it was agreed by the management that all such casual wagon loaders who had put in atleast 75 days attendance within calendar year 1973, 1974, 1975 and 1976 will be employed as badli miner/loader in the mine. The said policy decision was circulated vide circular dated 4-8-1980 by the General Manager (Personnel) BCCL. The union of the workmen made representation to the General Manager, Lodna area No. X in which the concerned colliery is situated with a copy to the Manager South Tisra Colliery but no reply was received. Again the union addressed letters to the said General Manager on 1-9-80 and 6-11-80 but no reply was received. In the meantime the management were engaging fresh hands from outside so that the question of regularisation of the concerned workmen may not arise. The union of the workmen objected to this system of fresh appointment by making representation before the Chairman-cum-Managing Director of BCCL but no reply was sent to the union. Subsequently the union representative were orally told to make fresh representation to the Dy. Chief Personnel Manager (IR) BCCL and in response there to the union made a fresh representation on 9-5-81. In spite of all the aforesaid prolonged efforts by the union of the concerned workmen the management did not do justice to the concerned workmen. Thereafter the union of the workmen raised an industrial dispute before the ALC(C) Dhanbad and on failure of conciliation the present reference was made to this Court for adjudication. It is submitted that the management was not justified in stopping the work of the concerned workmen after 26-10-76. On the above facts it is proved that the concerned workmen should continue to be treated by the management as wagon loader/truck loader beyond 26-10-76 as before and they should be treated qualified for permanent employment in terms of the 2 circulars dated 21-9-78 and 4-8-80 of BCCL. It is further prayed that

the concerned workmen should be taken on the record of the colliery as continuing in employment since 1973 with consequential benefits.

The case of the management is that even according to the case of the union the dispute has been raised after a lapse of 5 years. The union with a view to induce some malicious person into the employment of the management through back door methods by adopting unfair means has raised the present industrial dispute. The details such as parentage, home address, identity card No. etc. of the concerned workmen have not been given to enable the management to find out the persons who had worked prior to 26-10-76 and the period of their work. Most of the concerned persons named in the annexure were never engaged as casual wagon loaders. The management is having sufficient number of permanent and casual wagon loaders to meet its requirement. It has also got pay loaders to get the wagons loaded. Immediately after nationalisation of Coal Mines the management found difficulties in getting the wagon loaded on some days when more wagon used to be supplied. To meet such situation the old practice of engaging contract labour and casual labour was allowed to continue. Similar collieries were amalgamated and bigger collieries were formed. The sidings of different small collieries were brought under one administration after amalgamation. Thus there was regularity of wagon supply and it became possible to give jobs to casual wagon loaders for more than 240 days in a year. Those casual wagon loaders who completed 240 days of attendance were made permanent. In this process of reorganisation more wagon loaders became permanent and there was less scope for employment of casual wagon loaders. The management also introduced mechanical system of wagon loading by means of pay loaders. This system of loading enabled the management to meet with such challenges arising out of erratic supply of wagons on some days. During the period from 1973 till the end of 1976 the need for engagement of casual wagon loaders got reduced and there was no scope for engagement of large number of casual wagon loaders. The demand of the union to continue to treat the concerned workmen as casual wagon loaders when no job was available for them is not justified and the concerned workmen were not entitled to any relief.

The point for consideration is whether the concerned workmen should continue to be treated by the management as casual wagon loader beyond 26-10-76 as before.

The management examined one witness and produced documents which have been marked Ext. M-1 to M-15. The union failed to examine any witness.

MW-1 is a clerk of South Tisra Colliery since 1953. He was Bonus Clerk from 1973 to 1976 and used to write the bonus register in respect of the bonus paid to the wagon loader. He has exhibited the bonus register Ext. M-1 to M-13 of South Tisra Colliery and extract of the attendance of the concerned wagon loaders is Ext. M-14 which has been prepared on the basis of the bonus register. Ext. M-15 is the forwarding letter bearing the signature of the Agent/Manager South Tisra Colliery which was sent along with the extract of Ext. W-14 to the Personnel Manager Lodna Area No. X on 13-3-82. MW-1 has stated that in the Attendance Statement Ext. M-14 he has stated the attendance of the concerned wagon loaders by giving the number of days of attendance. It will also appear from his evidence that the concerned workmen who had not attended for a single day during the years 1973 to 1976 have been shown in the abstract by putting a cross against their names. He has also stated that the persons whose attendance is shown in Ext. M-14 were delisted casual wagon loader and as such their names were not included in the Form B Register and no identity card was issued to them. He has also stated that those delisted casual wagon loaders who had completed 75 days of attendance during the period 1973 to 1976 were given employment as badli miner/loader in accordance with the circular. Ext. M-14 will show that the concerned workmen at Sl. No. 12 Moti Mochi, Sl. No. 71 Bimla Bourin, Sl. No. 86 Nity Modin had attendance of more than 90 days during the years 73 to 76. It will further appear that the concerned workmen against whom a cross mark were put were not included in the Bonus Register meaning thereby that they had not worked during the said period and as such they had not received any bonus. Admittedly the management was not maintaining any attendance register for the

delisted casual workmen and as such bonus register was the only documents from which we could come to a conclusion regarding the attendance of the concerned workmen.

From the reading of the pleadings of the parties it will appear that the workmen have put their case on the basis of the circular Ext. W-1 dated 4-8-80 by which the management decided that such delisted casual wagon loaders who put in 75 days or more attendance during the period 1973 to 1976 should be taken in employment as badli loaders. It will appear from Ext. M-1 to M-13 and Ext. M-14 that only Moti Mochi, Bimla Bourin and Nity Modin completed attendance of more than 76 days during the year 1973 to 1976 and as such they are entitled to the benefits of circular Ext. W-1. There is no evidence on the record to show that any other concerned workman had attendance of more than 75 days during the period 1973 to 1976 and as such even according to the circular Ext. W-1 it will appear that the concerned workmen other than the 3 named above are not entitled to any relief in the case.

There is absolutely no evidence to show that they were regularly employed as wagon/truck loader and as such the question of their treating as regular casual wagon loader beyond 26-10-76 does not arise.

In the result I hold that the demand of the workmen of South Tisra Colliery of Area No. X of M/s. BCL that the concerned 119 workmen should continue to be treated by the management as casual wagon loader beyond 26-10-76 as before is not justified. The three concerned workmen, namely, Moti Mochi, Bimla Bourin and Nity Modin had completed attendance of more than 75 days during the year 1973 to 1976 and as such they are entitled to the benefit of Circular Ext. W-1 dated 4-8-80. The management is therefore directed to enrol the above named 3 concerned workmen as badli wagon loader within one month from the date of publication of the Award. They would not, however, be entitled to any wages because badli wagon loaders are paid only for the day they are requisitioned to work by the management. On completion of attendance of 240 days in a year the management will consider to regularise them as wagon loader/truck loader.

This is my Award.

I. N. SINHA, Presiding Officer
[No.—20012(295)/81-D.3(A)/IR(Coal I)]

नई दिल्ली, 20 जून, 1989

का. आ. 1625.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मैसर्स सेन्ट्रल कोल फील्ड्स लिमिटेड को गिडी 'सी' कोलियरी के प्रबंधन से सम्बद्ध नियोजकों और उनके कर्मचारियों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण (सं. 1), धनबाद के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 13-6-1989 को प्राप्त हुआ था।

New Delhi, the 20th June, 1989

S.O. 1625.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal (No. 1), Dhanbad as shown in the Annexure in the industrial dispute between the employers in relation to the management of Gidi 'C' Colliery of M/s. Central Coalfields Ltd. and their workmen, which was received by the Central Government on the 13-6-1989.

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 1 DHANBAD

(In the matter of a Reference under Section 10(1)(d) of the Industrial Disputes Act, 1947).

Reference No. 56 of 1983

PARTIES :

Employers in relation to the management of Gidi 'C' Colliery of M/s. Central Coalfields Ltd.

AND

Their Workman

APPEARANCES :

For Employers—Shri R. S. Murthy, Advocate.

For Workman—Shri S. Bose, Secretary, R.C.M.S.

STATE : Bihar.

INDUSTRY : Coal.

Dated, the 31st May, 1989

AWARD

The present reference arises out of Order No. I-20012(89)/83-D.II(A) dated 6-8-1983 passed by the Central Government in respect of an industrial dispute between the parties mentioned above. The subject matter of the dispute has been specified in the schedule to the said order and the said schedule runs as follows :

"Whether the action of the management of Gidi 'C' Colliery of M/s. Central Coalfields Ltd., P.O. Gidi 'C', District Hazaribagh, in depriving Sri H. K. Srivastava, L.D.C. of his wage protection already granted, as also the management's action by way of recovery of alleged extra wages paid to the said workman, is justified ? If not, to what relief is the workman concerned entitled ?"

2. The case of the management of Gidi 'C' Colliery of M/s. Central Coalfields Ltd., Gidi, Hazaribagh, details apart, is as follows :

The instant reference is bad in law and not maintainable as the matter covered by the reference is not an industrial dispute within the meaning of Section 2(k) of the Industrial Disputes Act. The workers of Coal Industry broadly fall into three categories, namely, monthly rated, daily rated and piece rated. The job of piece rated workers is manual and it is quite arduous and strenuous. The system of wages to this category of workers is according to system of payment by results. They do not have any benefit of annual increments like daily rated and monthly rated workers. They do not also have any benefit of promotional avenues which are available to daily rated and monthly rated workers. Because of these circumstances, the piece rated workers have generally shown preference to opt for daily rated jobs. Sri H. K. Srivastava, the concerned workman was appointed as a piece rated worker w.e.f. 22-8-78 as a result of voluntary retirement of his father. He was not proficient in his job. The management had some posts of Clerk Grade-III vacant early in 1979. Instead of going in for direct recruitment, the management wanted to give opportunity to the daily rated and piece-rated workers who were Matriculates and who preferred clerical job in the office. The concerned workman and others evinced interest in being considered for the posts of Clerk Grade-III and so they were interviewed by the Selection Committee. The management had not given even the remotest indication that their wages as piece-rated workers would be protected. As a matter of fact, the workers who appeared for the interview were given to understand that they would be given only minimum of the pay scale of Clerk Grade-III, if selected and appointed. But due to error or misunderstanding on the part of the officials concerned the pay of the workman concerned on appointment as Clerk Grade-III, was fixed at the stage of Rs. 508 instead of Rs. 460 in the scale of Rs. 460-16-636 (NCWA-II pay scale). Furthermore, such action was taken without the sanction of the competent authority and since it was against the company's policy as a whole, the action of the concerned officials was invalid and irregular. Later when the Finance Department discovered the mistake, the matter was examined and reviewed by the management and the wrong fixation of pay done in the case of the concerned workman was rectified with all consequential adjustments. There was no protection of wages granted by the management in valid or legal manner and so the reference for wage protection is misconceived and untenable

The present case was first raised before the A.L.C.(C) Hazaribagh by the sponsoring union in June, 1982, but when it was found that there was no merit in it, the dispute was withdrawn. However, as a result of after-thought a dispute was again raised in January, 1983 in respect of the concerned workman while dropping the case of another workman. The employers have prayed that the action of the management of Gidi 'C' Colliery be held to be justified.

3. The case of the sponsoring union, namely, Rashtriya Colliery Mazdoor Sangh as appearing from the written statement submitted by it, the brief of details, is as follows :

Sri H. K. Srivastava the concerned workman is a permanent employee of the management; he was originally employed as a piece-rated worker drawing Group V-A basic wages. He was promoted to the post of Clerk Grade-III w.e.f. 1-6-1980. As a piece-rated worker he was drawing basic wage at the rate of Rs. 18.50 per day plus other allowances prior to 1-6-80. On the basis of his wages drawn as piece-rated worker, his basic salary upon promotion to Clerical Grade-III was fixed at Rs. 508 per month plus other allowances. In terms of NCWA-II the basic salary of new entrants in Clerical Grade-III was Rs. 460/- per month plus other allowances. The concerned workman was allowed pay protection on promotion to Clerical Grade-III as he was then drawing Rs. 18.50 per day as basic and the protected basic wages was fixed at Rs. 508 per month. He was performing the duties of Miners Time Keeper (MTK) which corresponds to Clerical Grade-II post and hence he was regularised in Clerical Grade-II w.e.f. 1-12-81. After his regularisation in Clerical Grade-II the management passed an unilateral order that he was paid basic salary of Rs. 508 per month w.e.f. 1-6-80 by mistake and his salary was fixed at Rs. 460 per month w.e.f. 1-6-80 and the extra amount paid to him from 1-6-80 till 30-11-81 would be deducted from his monthly wages. As a matter of fact, such deductions have been made by the management from his monthly wages. By the action of the management he has to suffer severe financial losses and other consequential benefits. It is urged that the management did not enquire in the matter as to why and how he was paid basic salary of Rs. 508 per month w.e.f. 1-6-80 nor did it allow him any hearing on the issue. In the circumstances, it has been prayed that the action of the management be held to be not justified and for passing an award accordingly.

4. In the rejoinder to the written statement of the sponsoring union the management has asserted that the order dated 27/28-6-80 by which the concerned workman was promoted to the post of Clerk Grade-III w.e.f. 1-6-80 itself stipulated that there will be no protection of piece-rated wages, but due to a mistake and misunderstanding and absence of knowledge of management's policy the concerned workman was allowed fixation of his pay in the post of Clerk Grade-III at the stage of Rs. 508 instead of Rs. 460. When the mistake was discovered it was rectified and no elaborate enquiry was necessary.

5. The management has examined only one witness named MW-1 Sri S. L. Keshwani earlier posted as Addl. Chief Personnel Manager at the Headquarter of the Company at Ranchi and laid in evidence some items of documents which have been marked Exts. M-1 to M-6, M-6/1 and M-6/2. On the other hand the sponsoring union has not examined any witness but adduced documentary evidence comprising of two documents which have been marked Exts. W-1 & W-2.

6. The management has taken the plea by way of preliminary objection that the present reference is not maintainable since it is not an industrial dispute within the meaning of Section 2(k) of the Industrial Disputes Act. This issue, however, has not been pressed at the time of hearing. Any way, this dispute is between the employers and workmen and is directly connected with the employment and that being so the instant reference crystallises an industrial dispute as comprehended in Section 2(k) of the Industrial Disputes Act, 1947.

7. Admittedly Sri H. K. Srivastava, the concerned workman was initially appointed as a piece-rated workman w.e.f. 22-8-78. Evidence gathered on record indicates that his designation as a piece-rated workman was Coal Loader (Ext. M-1).

It is the undisputed position that he was drawing Group V-A wages at the rate of Rs. 18.50 as basic wages per day while he was working as piece-rated worker.

8. Undeniably the management required the services of some Clerks Grade-III and offered opportunity to the daily rated and piece-rated workers who were Matriculates for selection in the said posts by interview. The concerned workman offered himself as a candidate and was selected by interview by the Selection Committee. This position is evident from the Office Note and Order with annexures on the subject:—

“Regularisation of workers working in higher posts in Gidi-C Colliery of Argada Area (Ext. M-1).

The annexure to the Office Note indicates that the concerned workman along with others were to be regularised as semi Clerk in Clerical Grade-III in the pay scale of Rs. 460-16-636 w.e.f. 1-6-80 and that they would be re-considered for promotion as Clerk Grade-II after one year, if found fit. There is no dispute that the wages of the concerned workman, on appointment as Clerk Grade-III, was fixed at the stage of Rs. 508 in the pay scale of Rs. 460-16-636 and that he had drawn his wages as per the scale until he was regularised in Clerical Grade-II w.e.f. 1-12-81.

9. The case of the management is that this fixation of wages of the concerned workman at a higher stage was done by mistake and when such mistake was detected, order was issued for recovery of excess wages paid to him in an unauthorised manner, besides fixation of his pay in proper manner.

Sri R. S. Munthy, Advocate for the management has heavily relied on the minutes of discussion held between the management of Central Coalfields Ltd. and the representative of Rashtriya Colliery Mazdoor Sangh on 2-5-80 (Ext. M-3), letter of the Dy. Fiance Manager(A) Argada dated 3/4-5-82 to the Dy. Chief Personnel Manager(A), GM(A)'s Office Sirka (Ext. M-5), and Office Note of Personnel Manager(A) dated 14-5-82 (Ext. M-6). Note of Chief Personnel Manager dated 17-5-82 thereon (Ext. M-6/1) and the notes of General Manager and Personnel Manager thereon (Ext. M-6/2) on promotion/regularisation to the monthly rated post and the annexure thereon (Ext. M-5). Item No. 9 of the minutes of meeting (Ext. M-3) reads as follows:—

‘Regularisation of workers from piece-rated to time rated.

The Union representatives were informed that the maximum number of regularisation have been completed in all the areas, but even if there is any class left out, the proposal should come from the areas and approval for regularisation will be given. Incidentally, the union representatives stated that the piece-rated workers are being compelled to accept time rated job without the protection of their wages. They requested that wages of such piece-rated workers should be protected. The Union representatives were informed that there is already a circular indicating the procedure for engaging piece-rated workers to time workers to time rated jobs. However, if there is any specific case where the piece-rated worker has been offered time rated posts without his option that should be brought to the notice of the General Manager of the area.’

The relevant portion of the office note of P.M. (A) dated 14-5-1982 reads as follows :

“During 1979, the management of this Area notified vacancies of Clerks Gr. III from the employees already working in the Colliery of the Area. In response to the notice, a number of piece rated and time rated workers submitted applications. They were considered and some of them were selected for training for a period of 6 months. It was specified that during the period of the training the wages of the selected candidates which they were getting in the earlier posts would be protected. After completion of the training, office orders were issued placing them in clerical Gr. III, at different times in two batches. In the first office order dated

25-10-79, in the case of six workers, it was mentioned that their pay will be fixed at the initial amount of the scale of pay of Clerk Gr. III. The persons assumed charges of the post and started working in the clerical posts. Subsequently, a further office order was issued in the case of first batch, in respect of 6 candidates, deleting the condition relating of fixation of their pay at the initial of the scale of pay of Clerk Gr. III. In the case of second batch, the employees were actually promoted to the post of Roman/dumpman, Clerk Gr. III, and in their cases, no mention was made that their pay will be fixed in the clerical post at the initial stage of the pay scale of the post. In consequence, the piece rated workers placed in clerical post are enjoying the protection of piece rated group wages even though they are working in monthly rated posts and are being duties of that posts.

It transpires that the officers who had earlier dealt with this case in this Area and who have since been transferred are not aware of Company's Policy and this had led to the above mistake.”

10. MW 1 Sri S. L. Keshwani who worked in Central Coalfields Limited as Dy. Chief Personnel Manager and later as Addl. Chief Personnel Manager has stated in his evidence that in May, 1980 a committee was constituted for regularisation of piece rated workers working on monthly and daily rated jobs and that he was a member of the said committee. He has further stated that at the time of interview it was made clear to the piece-rated workers that their pay would not be protected if they were absorbed on monthly rated job and that they accepted the position. It is his further testimony that the policy of the company is that if a piece-rated worker gives his willingness to time rated job or monthly rated job, he is not given pay protection and that pay protection is given only when the company compels a piece-rated worker to time rated or monthly rated job. The case of the management is that the concerned workman was drafted in monthly rated job at his own option and so he is not entitled to get protection of his wages in piece-rated job.

11. The evidence laid by the management unmistakably pointed out that the wages of piece-rated workers are not protected when they are drafted at their own initiative to monthly rated or time rated job. Even then it appears that the concerned workman was given protection of wages as available to him as a piece-rated worker when he was regularised in service as a Clerk in Clerical Grade III by fixation of his wages at Rs. 508 instead of Rs. 460 in the pay scale of Rs. 460-16-636 (NCWA-II pay scale). The concerned workman had drawn his wages as per the fixation made by the management. But the management alleges that this fixation was done by mistake and that as soon as the mistake was detected, orders were issued for recovery of excess wages paid to him. Naturally the management has recovered the alleged excess wages paid to him and his basic salary was fixed at Rs. 460/- w.e.f. 1-6-80 the date when he was regularised as Clerk Grade-III.

12. The question that comes to the force of consideration as to whether the management has right to correct the mistake in the way it has been done without giving the party affected by its action any notice or opportunity.

In my view, the management is not justified in reducing the pay of the concerned workman to his disadvantage and prejudice without giving him opportunity because an administrative order which involves civil consequences must be made in conformity with the rules of natural justice which at its lowest minimum requires notice and opportunity to the person affected thereby. That admittedly having not been done, the action of the management in depriving the concerned workman of his wage protection already granted and recovery of extra wages paid to him is not justified. The management may rectify their mistake, if they have committed any, by observing the principles of natural justice.

13. Accordingly the following award is rendered—

The action of the management of Gidi 'C' Colliery of M/s. Central Coalfields, Ltd., Hazaribagh, in depriving Sri H. K. Srivastava of his wage protection already granted as also recovery of alleged extra wages paid to him is not justified. The management is directed to restore the original position with respect to the pay of the concerned workman and reimburse him the amount already from his salary by way of recovery of alleged extra wages within one month from the date of publication of this award.

The management may, however, rectify any mistake in the matter of fixation of pay of the concerned workman and deduct any excess payment from the salary of the concerned workman in conformance to the principles of natural justice.

In the circumstances of the case, the parties are to bear their own costs.

S. K. MITRA, Presiding Officer
[No. L-20012(89)/83-D.III(A)/IR(Coal-I)]

का.आ. 1626—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) को धारा 17 के अनुसरण में, केन्द्रीय सरकार मैसर्स भारत कोकिंग, कोल लिमिटेड को मुराईह कोलियरी के प्रबंधन से सम्बद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निदिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण (सं. 1) धनबाद के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 13-6-1989 का प्राप्त हुआ था।

S.O. 1626.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal (No. 1), Dhanbad as shown in the Annexure in the industrial dispute between the employers in relation to the management of Muraidih Colliery of M/s. Bharat Coking Coal Ltd. and their workmen, which was received by the Central Government on the 13-6-1989.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 1 AT DHANBAD

In the matter of a reference under section 10(1)(d) of the Industrial Disputes Act, 1947.

Reference No. 35 of 1984

PARTIES :

Employers in relation to the management of Muraidih Colliery of M/s. B.C.C. Ltd.

AND

Their Workmen

APPEARANCES :

For the Employers—Shri B. Joshi, Advocate.
For the Workmen—None.

STATE : Bihar.

INDUSTRY : Coal.

Dated, the 1st June, 1989

AWARD

The present reference arises out of Order No. L-250012-(133)/84-D.III(A), dated, 2nd July, 1984 passed by the Central Government in respect of an industrial dispute between the parties mentioned above. The subject matter of the dispute has been specified in the schedule to the said order and the said schedule runs as follows :

“Whether the action of the management of Muraidih Colliery of M/s. Bharat Coking Coal Limited in not giving wages of Clerical Grade-I to Shri Chandrapati Singh, Surface Supervisor with effect from May, 1973 is justified? If not, to what relief the workman is entitled?”

2. The dispute has been settled out of Court. A memorandum of settlement has been filed in Court. I have gone through the terms of settlement and find them quite fair and reasonable. There is no reason why an award should not be made

on the basis of terms and conditions laid down in the memorandum of settlement. I accept it and make an award accordingly. The memorandum of settlement shall form part of the award.

3. Let a copy of this award be sent to the Ministry as required under Section 15 of the Industrial Disputes Act, 1947.

S. K. MITRA, Presiding Officer
[No. L-20012(133)/84-D.III(A)/IR(Coal-1)]

BEFORE THE PRESIDING OFFICER, CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 1 AT DHANBAD

Reference No. 35/84

Employers in relation to the Management of Muraidih Colliery.

AND

Their workmen.

Petition of Compromise

The humble petition on behalf of the parties to the above reference most respectfully sheweth :—

1. That without prejudice to the respective contentions of the parties contained in their written statement the dispute has been amicably settled on the following terms :

TERMS OF SETTLEMENT

- That the Management will place Shri Chandrapati Singh of Muraidih colliery as Loading Clerk in Gr. II (clerical) with effect from 1-1-1988.
- That the concerned workman shall not claim in future any other relief whatsoever by way of back wages prior to 1-1-1988.
- That in view of the above settlement there remains nothing to be adjudicated.

Under the facts and circumstances stated above the Hon'ble Tribunal will be graciously pleased to pass the Award in terms of the above settlement.

For the workman.

Sd/-

(Chandrapati Singh)

For the Employer
Sd/- (Illegible)
14-10-88.
General Manager
BARORA AREA
Sd/- (Illegible)
Advocate
31-10-1988

Sd/- (Allegible)

14-1-180.

Part of the Award.

नई दिल्ली, 23 जून, 1989

का.आ. 1627—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) को धारा 17 के अनुसरण में केन्द्रीय सरकार मैसर्स सेंट्रल कोलफील्ड्स लिमिटेड की राखरा कोलियरी के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निदिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण (सं. 2) धनबाद, के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 12-6-1989 को प्राप्त हुआ था।

New Delhi, the 23rd June, 1989

S.O. 1627.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal (No. 2), Dhanbad as shown in the Annexure in the industrial dispute between the employers in relation to the Management of Rajra Colliery of M/s. Central Coal Fields Ltd. and their workmen, which was received by the Central Government on the 12-6-1989.

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (NO. 2) AT DHANBAD

Reference No. 70 of 1987

In the matter of an Industrial dispute under section 10(1)(d) of the I.D. Act, 1947.

PARTIES :

Employers in relation to the management of Rajhara Colliery of M/s. Central Coalfields Limited and their workmen.

APPEARANCES :

On behalf of the workmen—Shri J. P. Singh, Advocate.
On behalf of the employers—Shri R. S. Murthy, Advocate

STATE : Bihar

INDUSTRY : Coal.

Dated, Dhanbad, the 5th June, 1989

AWARD

The Govt. of India, Ministry of Labour in exercise of the powers conferred on them under section 10(1)(d) of the I.D. Act., 1947 has referred the following dispute to this Tribunal for adjudication vide their Order No. L-24012/119/86-D. IV(B), dated, the 3rd February, 1987.

SCHEDULE

"Whether the action of the Management of Rajhara Colliery of M/s. CC. Ltd. to release vide Shri Ramdhani Nonia, Drill Operator and Smt. Motia Nonian, piece rated workmen vide order dated 25-9-85 particularly when the order dated 17-9-85 transferring them from Rajhara Colliery to Karketa Colliery was not received by them is justified? If not, to what relief the workman concerned are entitled?"

The case of the workmen is that the concerned workman Ramdhani Nonia Drill Operator and his wife Smt. Moti Nonian piece rated workmen were working in Arra Colliery. On 17-1-84 both of them were transferred from Arra Colliery to Raihara Colliery and they joined their duty at Raihara Colliery on 17-1-84. Both the concerned workmen were working continuously and regularly at Raihara Colliery since 17-1-84. The concerned workmen were active members of the sponsoring union Hind Mazdoor Kissan Panchayat, against whom the local management was very much biased and prejudiced for their trade union activities and therefore the management started harrasing both the concerned workmen. The management did not provide the concerned workmen with facility of domestic coal, electricity water and other facilities for which the concerned workmen complained service times to the management. This annoyed the management and the management stopped them from duty with effect from 24/25-9-85 by handing over release order to them. The management released the concerned workmen and handed over release order to them without handing over the transfer order by which they were transferred to Karketa Colliery Project. The action of the management in handing over the release order without serving transfer order was illegal and void ab initio. The concerned workmen demanded the transfer order but the management refused to supply them the transfer order. Thereafter the union of the workmen raised an industrial dispute before the ALC(C), Ranchi which ended in failure and thereafter the present reference was made to this Tribunal. The action of the management in releasing the concerned workman by an order dated 25-9-85 without serving the transfer order dated 17-9-85 to Karketa Colliery was illegal. The management had no authority to transfer the concerned workmen from Raihara Colliery to Karketa Colliery and it was against the provision of standing order. The management had victimised the concerned workmen for their trade union activities. On the above facts it is proved to answer the reference in favour of the workmen and to direct the management to allow the concerned workmen to resume their duty at Raihara colliery with full back wages and other benefits.

The case of the management is that the two concerned workmen moved to be the workmen of Raihara Colliery after their release from Raihara Colliery for joining the duty at Karketa Colliery and as such there can be no industrial dispute against the management of Raihara Colliery.

Previously the concerned workmen Ramdhani Nonia and Smt. Motia Nonian who are husband and wife, were working in Arra Colliery of CCL from where they were transferred to Rajhara Colliery. It is an express condition of service of the concerned workmen that they could be transferred from one colliery of the CCL to another colliery/establishment of the company. It became necessary for administrative reasons to transfer the concerned workmen from Rajhara colliery to Karketa colliery both lying within the same Area namely North Karanpura Area of CCL. The management by its order dated 17-9-85 transferred the concerned workmen from Rajhara colliery to Karketa colliery and subsequently release order dated 24/25-9-85 was issued to them. It was specially mentioned in the release order that they would be allowed transfer T.A. and that they should report for duty at Karketa colliery after availing 2 days joining time. Even after receiving release order the concerned workmen deliberately disobeyed the order given to them to report for duty to the Project Officer Karketa colliery on the false ground that they had not received the transfer order. In fact the concerned workmen refused to receive the transfer order. The release order which was received by them was quite sufficient for the purpose and the concerned workman should have proceeded to Karketa Colliery and joined their duty at that place. They deliberately decided not to carry out the transfer order. During the course of conciliation proceeding stated by the ALC(C), Ranchi the relevant document were shown to the union representative and the management strongly pleaded before the ALC(C) that the concerned workmen and the union should carry out the transfer order of the concerned workmen. The union of the concerned workmen remained adamant and they did not carry out the transfer order. The concerned workmen are absenting in an illegal manner from duty with effect from 28-9-85 when they were released from Raihara Colliery for which disciplinary action could be taken against them but the management had not taken any disciplinary action against them. The action taken by the management in transferring the concerned workmen by transfer order dated 17-9-85 and releasing them from Raihara colliery in fully justified. The plea of the workmen that the concerned workmen did not receive the transfer order is a mere pretext not to carry out the transfer order. Due to their own fault and deliberate refusal to proceed to Karketa colliery from Raihara colliery and report for duty at Karketa colliery the concerned workmen are sitting idle and absented from duty at Karketa colliery without justification. On the above facts it is proved on behalf of the management that it may be held that the concerned workmen are not entitled to any relief.

The points for consideration are (1) whether the order of release dated 25-9-85 issued to the concerned workmen without handing over the order of transfer dated 17-9-85 was justified, and (2) whether the management had authority to transfer the concerned workmen from Raihara Colliery to Karketa colliery?

The workmen examined one witness and the management examined two witnesses in support of their respective case. The documents of the management are marked Ext. M-1 to M-4.

The workmen did not exhibit any document.

Point No. 1 and 2

Both the points are taken up together as they are inter connected.

It is the admitted case of the parties that the concerned workmen were transferred from Raihara Colliery to Karketa Colliery and that they were released from Raihara Colliery from 18-9-85. The only point in dispute is that the concerned workmen were released from Raihara colliery without handing over the transfer order to them. Ext. M-1 dated 25-9-85 is the office order of the Project Officer, Raihara Grinn by which both the concerned workmen were released with effect from 28-9-85 forenoon as they were transferred from Raihara colliery to Karketa Project vide order dated 17-9-85 issued by the Dy. CPM(NK) Dakra. They were further directed to report for duty to the Project Officer Karketa after availing 2 days joining time and the actual journey period from Raihara to Karketa. It is also admitted that the concerned workmen did not receive the transfer order but they had received the

release order. WW-1 Ramdhani Nonia is one of the concerned workmen and other concerned workman is his wife. WW-1 has stated that in 1984 both the concerned workmen were transferred to Rajhara colliery from Arra Colliery. He has further stated that since 25-9-85 the concerned workmen have been stopped work. He has admitted that the management had given release order to his wife on the basis of which both of them were stopped work. He has stated that they did not receive any order of transfer from Rajhara colliery to any other colliery. In his evidence he has stated that on receiving Ext. M-1 which is the release order both the concerned workmen went to Karketa colliery project for joining but the Project Officer Shri Gupta did not allow them to join and asked them to bring order of transfer and then he came back to Rajhara and met Shri C. B. Prasad, Project Officer of Rajhara colliery and asked to supply them with a copy of the transfer order as the Project Officer of Karketa colliery project is demanding the transfer order so as to allow them to join their duty at that place but the Project Officer of Rajhara colliery did not give any transfer order. In cross-examination he has stated that Ext. M-1 was received by them on 5-9-1985 but he had not taken transfer T.A. from Rajhara colliery. He has also stated that there was no paper with them to show that they had gone to Karketa Colliery to join and that Shri Gupta refused to permit them to join there and demanded the transfer order. He has also stated that there is no document to show that he reported from Karketa Project to Rajhara and he demanded the transfer order from the Project Officer, Rajhara and that the same was refused to him. The evidence of WW-1 before this Tribunal will show that he has completely changed the reasons of not joining at Karketa colliery. In the W.S. of the workmen the reason was that as the concerned workmen were not provided with transfer order, and release order was issued to them thereby work of the concerned workmen were stopped. There is no mention in the W.S. of the workmen that the concerned workmen had actually proceeded to Karketa colliery after receiving the release order and that the Project Officer of Karketa colliery did not allow them to join unless they brought the transfer order and that thereafter the concerned workmen reported to Rajhara colliery and demanded the transfer order from the Project Officer of Rajhara colliery but it was not supplied to them.

MW-1 Shri V. K. Gupta was the Project Officer of Karketa colliery from July, 1984 to July, 1986. He has stated that Karketa Colliery and Rajhara Colliery both are in N.K. Area and both the collieries are under the same General Manager. He has stated that he had received a copy of Ext. M-1 (release order) and Ext. M-3 (transfer order). He has definitely stated that the concerned workmen Shri Ramdhani Nonia and Smt. Motia Nonian who were transferred to Karketa colliery did not report for duty at Karketa colliery project. He has denied that they had reported for duties and that they were not allowed to join as they did not produce the copy of the transfer order. MW-1 is the Project Officer to whom WW-1 alleges to have approached for permission to join but Shri Gupta had stated in clear terms that the concerned workmen did not report for duty at Karketa Colliery Project and that the concerned workmen had not been asked to produce copy of transfer order. MW-1 has stated that he had already copies of Ext. M-1 and Ext. M-3 and as such there was no necessity for MW-1 to ask for the copy of the transfer order from the concerned workmen. Ext. W-1 and W-3 show that copies of the office order were sent to the Project Officer Karketa colliery and there is no reason to disbelieve that the transfer order and the release order were not sent to the Project Officer Karketa Colliery Project. It is clear therefore that the concerned workmen did not report for duty at Karketa Colliery Project before the Project Officer and that the story that the concerned workmen had gone to join at Karketa colliery and were refused to join unless they produce transfer order appears to be a fake story. The said story cannot be believed also because of the fact that it was not stated at the earlier stage in the W.S. of the workmen and in the comment of the union dated 10-3-86 which was made before the ALC(C) Panchi during the conciliation proceeding. The said comment of the President of the union of the workmen is at para 4 to 6 of the Conciliation proceeding Ext. M-4. MW-2 Shri C. B. Prasad was the Project Officer of Rajhara colliery during the relevant time, namely, from 1984 to 1987. He has stated that the two concerned workmen were transferred from Rajhara Colliery to Karketa Colliery in 1985 and

they were released from Rajhara Colliery to join at the place of their posting. He has stated that the concerned workmen did not join at Karketa colliery. He has stated that the transfer order was issued to the concerned workmen from the Area office and thereafter it was served through his office but the concerned workmen refused to receive the transfer order. It is apparent from Ext. M-1 and M-3 that both the concerned workmen were transferred and released from Rajhara colliery to join at Karketa colliery. There is nothing to show that the work of the concerned workmen were stopped by the management of Rajhara colliery. Ext. M-2 is the standing order for Rajhara colliery Clause 17 of the Standing Order relates to transfer. It states that all workmen are liable to be transferred in the exigency of work from one department to another or from one station to another or from one coal mine to another under the same ownership provided that by reason of such transfer the wages and other conditions of service of the workmen are not altered to their disadvantage and provided further that reasonable notice is given to such transfer. It also provides that the workmen will be paid his actual transport charges plus 50 per cent thereof to meet the incidental charges. It is thus apparent that the standing order of Rajhara colliery provides for the transfer of a workman from one colliery to the other and as such the transfer of the concerned workmen was within the authority of the management of Rajhara colliery.

Taking the entire facts, evidence and circumstances into consideration it appears that the concerned workmen were not willing to join at Karketa colliery and as such they had set up false plea that release order without handing over their transfer order was illegal and unjustified.

MW-1 has stated that if a workman is transferred from one colliery to the other within the same Area, the workmen are allowed to join at the place of their transfer if they produced the identity card and even there is no identity card the workmen are allowed to join and are asked for their LPC and their identity card. Thus there was no reason for the Project Officer of Karketa colliery for refusing the concerned workmen from joining the duties had they reported for joining there after their release from Rajhara colliery. There is absolutely no reason to disbelieve MW-1 that the concerned workmen had not reported for duty at Karketa colliery. I hold therefore that the management had authority to transfer the concerned workmen from Rajhara colliery to Karketa colliery lying with the same Area. I further hold that the order of release dated 25-9-85 issued to the concerned workmen without handing over the order of transfer dated 17-9-85 is justified in as much as the concerned workmen had refused to take the transfer order.

In the result, I hold that the action of the management of Rajhara colliery of M/s. CCL to release 2 concerned workmen Shri Ramdhani Nonia, Drill Operator and Smt. Motia Nonian piece rated workmen vide order dated 25-9-85 when the order dated 17-9-85 transferring them from Rajhara colliery to Karketa colliery was not received by them was justified and as such the concerned workmen are not entitled to any relief. It is still open to the concerned workmen to join Karketa colliery on the basis of their order dated 17-9-85.

This is my Award.

I. N. SINHA, Presiding Officer

[No. L-24012(119)/86-D.IV(B)/IR (Coal-D)]

K. J. DYVA PRASAD, Desk Officer

नई दिल्ली, 19 जून, 1989

का. श्र. 1628—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार टटीकोरीन पोर्ट ट्रस्ट, टटीकोरीन के प्रबंधन में सम्बन्ध नियोजकों और उनके कर्मचारों के बीच, अनुबन्ध में विनिर्दिष्ट औद्योगिक विवाद में औद्योगिक अधिकरण मंत्रालय के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 13-6-1989 को प्राप्त हुआ था।

New Delhi, the 19th June, 1989

S.O. 1628.--In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Industrial Tribunal, Madras as shown in the Annexure in the Industrial dispute between the employers in relation to the management of Tuticorin Port Trust, Tuticorin and their workmen, which was received by the Central Government on 13-6-89. 13-6-89.

ANNEXURE
BEFORE THE INDUSTRIAL TRIBUNAL, TAMILNADU
MADRAS

Tuesday, the 25th day of April, 1989
Industrial Dispute No. 42 of 1987

(In the matter of the dispute for adjudication under Section 10(1)(d) of the Industrial Disputes Act, 1947 between the workmen and the Management of Tuticorin Port Trust, Tuticorin).

BETWEEN

The workmen represented by

The Secretary,

The Tuticorin Port Mariners Union,

22-A, Periera Street, Tuticorin-682001.

AND

The Chairman,
Tuticorin Port Trust,
Tuticorin.

REFERENCE :

Order No. L-44012/1/86-D.IV(A), dt. 15-4-87 of the Ministry of Labour, Govt. of India, New Delhi.

This dispute coming on for final hearing on Friday, the 2nd day of December, 1988 upon perusing the reference, claim and Counter statements and all other material papers on record and upon hearing the arguments of Thiru G. Balaram, Authorized Representative for the workmen and of Tvl. M. Venkatachalapathy & M. Sriram, Advocates for the Management and this dispute having stood over till this day for consideration, this Tribunal made the following.

AWARD

This dispute between the workmen and the Management of Tuticorin Port Trust, Tuticorin arises out of a reference under Section 10(1)(d) of the Industrial Disputes Act, 1947 by the Government of India in its order No. 44012/1/86-D.IV(A), dated 15-4-1987 of the Ministry of Labour for adjudication of the following issue :

"Is the Tuticorin Port Mariners Union, Tuticorin justified in demanding absorption as regular Lower Division Clerks of S/Shri E. Pitchaiah, S. Melvin and A. Mohammed Hussain who successfully completed their apprenticeship as Lower Division Clerks in Tuticorin Port Trust from 15-3-80 to 15-4-81? If justified to what relief the workmen are entitled?"

2. The averments in the claim petition are that the Petitioner-Union is a registered trade Union and a substantial number of staff employed in the Respondent-Port Trust are members of this Union. The Union has submitted the demands to the Respondent for absorbing Ex. Apprentice Clerks E. Pitchaiah, S. Melvin and A. Mohammed Hussain as regular Lower Division Clerks in the Respondent Port Trust since they have successfully completed the apprentice training and have passed the trade test conducted by the Labour Ministry. But the Chairman refused to absorb them as Lower Division Clerks and hence a dispute has been filed by the Union on 12-1-1985 before the Assistant Labour Commissioner (Central), Trivandrum. In response to the

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Union demand, the Assistant Labour Commissioner held conciliation meetings with the representatives of the Union and the Management, on 23-1-1985, in which the Administration has agreed to examine the case and take a suitable decision. But the Administration negated the Union's demands. Therefore, the Union again raised an Industrial dispute on 10-5-85 and again the conciliation proceedings ended in failure. Hence the dispute referred to. The refusal of absorption of the above 3 candidates as regular Lower Division Clerks is illegal and unjustifiable. It is obligatory on the part of every employer to train apprentices in various jobs as per Apprentice Act, 1961. A circular is also sent to this effect on 27-2-80 intending to train the apprentices specifically stating on successful completion of apprenticeship, they can be appointed against a regular vacancy without going to the Employment Exchange. Again on 19-2-81 by another circular, the Chairman of the respondent port trust issued a circular that the apprentices should be absorbed. They were also appointed from 1979-80. In the year 1980-81, the Respondent trust appointed 12 Lower Division Clerks as per Apprentice Act, 1961 and they completed the training on 15-4-81 and also passed a trade test but they were not absorbed as regular Lower Division Clerks. In the year 1981-82, 3 apprentice clerks were appointed by the Respondent subsequently they were absorbed in the regular cadre of Lower Division Clerks from 1983. The reason for not absorbing the 3 apprentices referred to the dispute is that there is an oral instruction from the Ministry of Shipping and Transport not to recruit new hands. It is further stated by the respondent that the above 3 workers are over-aged for recruitment. But one Sivarama Pillai who is junior Apprentice has been absorbed in the regular cadre even though he is over-aged. Similarly one Murneen has been appointed in 1981. 60 new posts of Lower Division Clerks have been created from 1981. Hence an award may be passed directing the Respondent from absorbing the above mentioned 3 persons as regular Lower Division Clerks from 16-4-81.

3. The Respondent in its counter states that as per the instructions dated 27-2-80, apprentices can be appointed in the regular vacancies without going to the Employment Exchange if there is no time lag between the completion of training and commencement of the paid employment. Further there is no obligation on the part of the port to absorb the apprentice Clerks straight away. In a telephone message received from the Joint Secretary, Ministry of Transport, New Delhi and conveyed by the Chairman, Madras Port Trust on 6-4-81 for filling up of all posts were banned. Accordingly reply was also sent to the Ministry of Transport, New Delhi on 7-4-81 by the Management. Further as per Clause 6 of the Contract of Apprenticeship for Major Apprentices entered with the above 3 apprentice clerks from March, 1980 there is no obligation on the part of the Port in offering any appointment to the apprentices in the trade of Clerks on completion of the training. Though the three candidates were engaged they were relieved on 15-4-81 AN. after completion of training since there was a ban on vacancies. The 3 apprentice clerks having been relieved by the port after the completion of training with effect from 14-4-81 AN. They could not be considered for the appointment against the existing regular vacancies on 16-4-81. In this case since there was a time lag more than 4 years the question of by-passing the Employment Exchange do not arise. The Respondent has not absorbed any apprentices in the trade of clerks engaged during 1980-81 after completion of training as per Clause 6 of the contract entered with them to which there was no obligation on the part of the Port to absorb the apprentice clerks. As per the instructions of the Joint Secretary (Ports) conveyed by the Chairman, Madras Port Trust recruitment for all posts were stopped pending review. All the vacant posts including the vacancies in the grade of Lower Division Clerk could not be filled in pending completion of the review as instructed by the Ministry, no apprentice trainees engaged during the year 1980-81 were considered for appointment as Lower Division Clerks during the year 1981-82. Hence the few apprentice clerks trained in the year 1980-81 were appointed as Lower Division Clerks is not correct. Hence the application is liable to be rejected.

4. The point for determination is (i) whether the Petitioner-Union is justified in demanding absorption as Regular

Lower Division Clerks of S/Shri E. Pitchaiah, S. Melvin, and A. Mohammed Hussain (ii) if so what relief?

5. No oral evidence was adduced on the side of Petitioner and M. W. 1 was examined on the side of the Respondent-Management. W.1 to W.8 and M1 to M.17 were marked by consent on the side of the Petitioner and Respondent respectively.

6. M.W.1 the Liaison Officer, who was working as Private Secretary to the Chairman of the Respondent Trust on 6-4-81 was examined to speak the message received from the Ministry of on 6-4-81 from the Chairman, Madras Port Trust. This witness has been examined only to speak about the telephone message recorded by him from the Chairman, Madras Port Trust. It says: "Message from Shri D. K. Jain : Stop recruitment for all the posts and be ready for a review of this at Madras during 12, 13, 14 May by Shri D. K. Jain and other Officers of the Ministry." In the cross-examination he will assert that he should take all the message addressed to the Chairman and does not make an entry of such message in separate register. However he would type the message and sent the same to the Chairman. Now coming to the main question the Petitioner-Union relied on W-1 to W-8. W-1 is the circular dated 27-2-80 regarding the appointment of apprentices against the regular vacancies in the Tuticorin Port Trust. It says : "that on successful completion of training that apprentices of this Port may be absorbed in the posts in which they are trained if they satisfy the conditions stipulated in the department of Personnel and Administrative Reforms." It further reads the apprentices after completion of their training can be appointed against regular vacancies without going to the Employment Exchange, if there is no time-lag between completion of training and commencement of paid employment. The 3 apprentices concerned in the dispute were appointed from 15-3-1980. While so the Respondent Port Trust issued a circular dated 1-8-80 regarding the implementation of the apprenticeship training scheme under 20 Point Economic Programme for giving preference to the regular employment. The circular has been marked as W-2 on behalf of the Petitioner Union. The circular mentions about the hunger strike conducted by the apprentices in front of the Ministry of Labour and the Prime Minister is of the view that the apprentices have a valid point and is no use of continuing the scheme if it does not lead to employment. After taking into consideration of the view of Prime Minister, the Ministry of Labour has sent a circular to the all Ministries of Government of India that the administrative instruction to all establishments may be sent under their control to fill up atleast 50 per cent of the direct recruitment vacancies by trained apprentices. The department has been asked to furnish a list of trained apprentices from the organisation awaiting employment and the number of vacancies that were existing at present and likely to arise in the year 1980 and that report may be sent in this connection. It is on the basis of this circular the Petitioner-Union insisted by the apprentices concerned to the dispute should have been absorbed after completion of tests and also after passing trade test as prescribed under W-3. W-4 is the extension of contract period from 15-4-81 or till commencement of trade test whichever is earlier. It is the case of the Petitioner-Union in spite of W-1 circular and more particular W-2 circular 3 ex-apprentice clerks have been relieved under W-6 dated 14-4-81 with effect from 15-4-81. But the case of the respondent in that as per M-6 the appointment of clerks against the regular vacancies is not obligatory on their part. It is also the contention that in the year 1980-81 the Ministry of Shipping and Transport under M-12 letter 28-1-81 addressed to the Chairman of the Respondent Port Trust mentioning the clerk posts should not be filled up. The circular letter under M-12 prohibits the Respondent-Management to absorb the apprentice clerks in the regular vacancies. That apart reliance was also placed by the respondent on M-14 a message received on 6-4-81. The Chairman of Madras Port Trust conveying the message from the Ministry of Transport to stop recruitment for all posts and be ready for review at Madras. On the basis of this message the Chairman of Port Trust had also sent a telex to the Ministry under M-15. It seems that M-12 and M-14 are impediment in the way of absorbing the 3 ex-apprentice clerks concerned in the dispute. But curiously it is seen from M-16 and M-17 they plead the respondent has no basis. M-16 a telex copy of the letter dated 30-10-1986 written by the

Chairman of the Respondent Trust to the Secretary to Government of India, Ministry of Transport furnishing the footling comments against 3 points raised. The first point relates to the telephonic instruction given by the Government on 6-4-1981 under M-14; the second point raised whether three apprentices trained during 1981-82 were also appointed subsequently after a review made in May, 1981. The third point is whether the 9 other apprentices who were given Apprenticeship training in the trade of clerk in 1980-81, were absorbed later. In the same letter clarification has been asked for whether any further instructions have been issued by the Ministry with regard to the time lag between completion of the apprentices training and commencement of the paid employment for ports. This letter also refers to relieving of 12 apprentices on completion of their apprenticeship training in the port. In view of the reasons that there was no condition in the agreement for absorption of the above 12 apprentices after completion of their training and a review of the vacant post was pending by the officers of the Madras Port Trust as per the instruction of the Ministry. M-17 is a memorandum dated 17-11-86 issued to the Ministry of Labour regarding refusal of absorption in regular service to E. Pitchaiah, S. Melvin and A. Mahommed Husain. In that letter it is stated that as there has been inordinate time lag between the completion of the training, it is not feasible for the Port to comply with the provisions of the Act, which does not make it compulsory for the Port to absorb them. Further the 3 apprentices are now stated overaged. It is also stated, it is not possible to consider these apprentices who had undergone training in 1980-81 for being appointed as Lower Division Clerks straight away under the existing vacancies without reference to employment exchange. Therefore there is no justification to refer the dispute for adjudication. Relying on the above documents the Respondent Port justified in non-absorbing of these 3 candidates as Lower Division Clerks. It is also urged by the learned counsel for the Respondent that as per M-12 agreement of contract there should not be any time lag after completion of the training and in this case the time is 4 years and hence they could not be absorbed.

The Respondent Management of course may be fortified in raising all these on the basis of instructions received by them from the higher authorities. But in this case, the very object of issuing circular under W-2 on the basis of instruction of the Prime Minister has been nullified by referring to subsequent correspondences. In all these subsequent circular were relied on by the Respondent. There is no reference to W-2 circular so as to contend the circular has been superseded. Incidentally, it is relevant to note the circumstances under which W-2 circular came to be issued by the Ministry of Shipping and Transport. It is seen from the above circular that All India Apprentices Union have gone under hunger strike in front of the Ministry of Labour and also submitted a charter of demands to the Minister as well as the Prime Minister. One of the demands related to giving preference in the matter of employment against regular vacancies in the establishments. It is further stated the Prime Minister is of the view that the apprentices have valid point and there is no use of continuing the scheme if it does not lead to employment. The apprentices should atleast be given preference in the matter of employment in accordance with the policy of Government of India. Notwithstanding the directions issued by Ministry of Transport to all the departments concerned including the Respondent Trust has also requested the departments a list of total number of trained apprentices from each organisation awaiting employment and number of vacancies that are existing at present and likely to arise during the year 1980 and also to indicate how many of them can be absorbed during the year 1980. It is curious to note that no effect appears to have been given to the circular. It only appears that subsequent developments after W-2 has taken place due to some improper promotions made in the departments can be seen from M-12. M-12 is the letter written by the Secretary, Ministry of Shipping and Transport to the Chairman of the Respondent Port Trust. In that letter he draws a few instances which has come to the notice where an existing official had been given promotion by upgrading his post to that of newly created one thus a new higher post had been created merely to accommodate some one. This is highly improper and should be avoided. It is only in that connection, M-12 has been written by the Ministry about the needs for economy in Port Trusts and Dock Labour Boards. This letter gives some guidelines as to how the posts will be filled up and by whom. This letter specifically does not refer to W-2 or any correspondence except referring to some discussions at

the conference of the Port Chairman held at New Delhi. Simultaneously M-14, banning the recruitments, does not refer to W-2. One cannot comprehend the stand taken by the Respondent Port Trust against the direction of the Prime Minister referred to in W-2 and take a different stand relying on some correspondence that took place subsequently. Of course, the time lag after completion of training of ex-apprentices has been pleaded as an impediment to absorb them. But it is forgotten by the Respondent Port Trust that as per contract of apprenticeship like M-13 entered into between the apprentices and the Management, it is obligatory on the part of the employer to offer employment to the apprentice to the extent of available vacancies on completion of training and it shall be obligatory on the part of the apprentices to accept such employment if offered. It is also seen from W-8 a letter from Ministry of Labour addressed to the Regional Director of Apprenticeship Training, Bombay with copies to Kanpur, Madras and Calcutta that wherever the employers who have already engaged apprentices in Commercial Trades may be asked to undertake that employment potential already exists in their establishments and the employer shall not employ any other person except the apprentices in regular vacancies after the completion of training. Only after this undertaking is given by the establishments, their pending contracts should be registered. The letter refers to those establishments, who are likely to engage apprentices in future. In this case also it has been made obligatory on the part of the employer to offer employment to the apprentices to the extent of available vacancies on completion of the training in this establishment and also obligatory on the part of the apprentices to accept such employment if offered.

7. If appears to have been give a go by and rather the apprentices were relieved immediately on the date of completion of their training. It is not the case of the Respondent Management that on the date of relief of the apprentices that there were no vacancies and therefore they were relieved. It is futile to contend that there is no condition in the agreement for absorption of the apprentices after completion of their training in view of the above clerks. The authorised representative for the Petitioner-Union drew my attention at W-5 the copy of extract from schedule of employees, as on 1-4-81 of Tuticorin Port Trust under Section 23 of Major Port Trusts Act, 1963. This documents was marked by consent, lists out the vacancies in various categories of staff of which there are 6 vacancies in the category of Lower Division Clerks as on 1-4-81. Thus it is seen the Respondent-Trust is not able to substantiate relieving the ex-apprentices concerned in the dispute. The above discussion coupled with documents filed on the side of the Petitioner-Union would lead to irresistible conclusion that the Petitioner-Union is justified in demanding the absorption as regular Lower Division Clerk of E. Pitchaiah, S. Melwin and Mohammed Hussain. Hence this point is found accordingly.

8. Having found the demands of the Union is justified, the next question arises as to the relief to be given to the ex-apprentices. The apprentices were relieved only on the instruction from the Ministry of Transport and therefore the Respondent-Trust cannot be found fault for their action. It is further case of the Respondent that they could not be considered against regular vacancies without reference to the employment exchange since there was time lag between the date of completion of training and the date of regular employment. This contention cannot be accepted for the simple reason for no fault on the apprentices they were relieved hurriedly on 15-4-81 inspite of earlier direction issued by the Government of India. Thereby the demand of the Union in absorbing E. Pitchaiah, S. Melwin and A. Mohammed Hussain after training as Lower Division Clerks is justified. Anyway, considering the long delay, the Respondent Trust is directed to absorb those apprentices as regular Lower Division Clerks on 1-4-81. Thus it is seen the Respondent of award in the gazette.

Hence an award is passed accordingly. No costs.

Dated, this 25th day of April, 1989.

Witnesses Examined

For workmen—None.

For Management—MW-1 Thiru S. G. Prasad.

For workmen :

Documents Marked

- Ex. W-1/27-2-80—Circular for appointment of apprentices against regular vacancies in the Tuticorin Port Trust (copy)
- Ex. W-2/1-8-80—Circular for implementation of apprenticeship Training Scheme under 20 point Economic Programme (copy)
- Ex. W-3/19-2-81—Circular for implementation of apprenticeship Training Scheme under 20 points Economic Programme (copy)
- Ex. W-4/9-3-81—Circular showing extension of the contract period of apprentices (copy)
- Ex. W-5/1-4-81—Extract from the Schedule of employees as on 1-4-81 of the Management u/s 23 of Major Port Trusts Act, 1963 (copy)
- Ex. W-6/14-4-81—Relieving order of Apprentices (copy)
- Ex. W-7/4-10-86—Lr. No. LB-11012/3/86-II, Ministry of Transport, Department of Surface Transport, Labour Division addressed to the Management (copy)
- Ex. W-8/13-11-80—Copy of letter from Dy. Director of Training, Ministry of Labour, Government of India, New Delhi addressed to the Regional Director of Apprenticeship Training, Bombay regarding engagement of apprentices in commercial trades under the Apprentices Act, 1961.

For Management :

- Ex. M-1/21-1-84—Letter from the Union to the Management requesting to absorb Tvl. E. Pitchaiah, S. Melwin and A. Mohammed Hussain as Lower Division Clerks (Xerox copy)
- Ex. M-2/27-1-84—Reply by the Management to M-1 (Xerox copy)
- Ex. M-3/11-1-85—Letter from the Union to the Assistant Labour Commissioner (C), Trivandrum (Xerox copy)
- Ex. M-4/23-1-85—Minutes of discussion held on 23-1-85 with the representatives of Tuticorin Port Mariner's Union and Tuticorin Port Trust Administration before the Assistant Labour Commissioner (Xerox copy)
- Ex. M-5/27-2-80—Letter from the Management regarding appointment of Apprentices against regular vacancies in the Tuticorin Port Trust (Xerox copy)
- Ex. M-6/ —Contract of Apprenticeship entered with Tvl. S. Melwin, A. Mohammed Hussain and E. Pitchaiah (Xerox copy).
- Ex. M-7/14-4-81—Relieving order to the apprentice clerks (General (Xerox copy)
- Ex. M-8/8-5-85—Letter from the Management to the Union regarding absorption of ex-apprentices as regular Lower Division Clerks (Xerox copy)
- Ex. M-9/19-2-81—Letter from the Management to all heads of departments for implementation of apprenticeship training programme (Xerox copy)
- Ex. M-10/8-5-85—Letter from Dy. Director of Training Directorate General of Employment and Training to the Management (Xerox copy)
- Ex. M-11/25-3-83—Memorandum of the Management for appointment of Lower Division Clerks (Xerox copy)
- Ex. M-12/28-1-81—D.O. Letter from the Secretary, Government of India, Ministry of Shipping and Transport to V. Sundaram, Chairman, Tuticorin Port Trust, Tuticorin (Xerox copy)
- Ex. M-13 —Contract of Apprenticeship entered with Tvl. T. Sivarama Pillai and S. Jeyaprakash Narayanan (Xerox copy)

- Ex. M 11/54-81—Note submitted by Personal Secretary to Chairman, Tuticorin Port Trust, Tuticorin
- Ex. M-15/7-4-81—Telex to Ministry by Chairman of the Management.
- Ex. M16/30-10-86—Letter from the Management to the Secretary, Government of India, Ministry of Transport, New Delhi (Xerox copy)
- Ex. M-17/17-11-86—Office Memorandum of Ministry of Surface Transport, Labour Division, Government of India, (Xerox copy)

K. NATARAJAN, Industrial Tribunal
[No. L-44012/1[86-D.IV(A)]D.III(B)]

नई दिल्ली, 23 जून, 1989

का. आ. 1629.— औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार तेल और प्राकृतिक गैस आयोग, देहरादून के प्रबंधन से सम्बद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निदिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, कानपुर के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 19-6-1989 को प्राप्त हुआ था।

New Delhi, the 23rd June, 1989

S.O. 1629.—In pursuance of section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Kanpur as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Oil and Natural Gas Commission, Dehradun and their workmen, which was received by the Central Government on the 19-6-1989.

ANNEXURE

BEFORE SHRI ARJUN DEV, PRESIDING OFFICER, CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL, KANPUR

Industrial Dispute No., 95 of 1987

In the matter of dispute between :

Shri Jeet Singh,
Secretary
ONGC Karamchhari Union,
43 Kaulagarh Road,
Dehradun U. P.

AND

The Chairman Oil & Natural Gas Commission
Tej Bhawan
Dehradun U. P.

AWARD

1. The Central Government, Ministry of Labour, vide its notification No. L-30012/23[86-D.III(B)] dated 4th August, 1987, has referred the following dispute for adjudication to this Tribunal :—

Whether the action of the management of Oil & Natural Gas Commission in not informing and inviting application in 1974 for selection to the post of Technical Grade I (Carpenter) from Shri Daimayan Singh who claims to be senior worker and thereby allegedly depriving him of the chance for

selection is justified? If not, what relief is the workman entitled to ?

2. The Industrial dispute in the present case has been raised by Oil & Natural Gas Commission Karamchhari Union (hereinafter referred to as Union for the sake of convenience) on behalf of the workman Shri Daimayan Singh. The Union's case in short is that the workman was appointed by the management of Oil & Natural Gas Commission (hereinafter referred to as ONGC for the sake of convenience) Dehradun as Carpenter Gr. IV w.e.f. 11-12-61 at Dehradun Head Quarter. The workman holds a certificate in Cabinet making and Joinery awarded to him by the Govt. Polytechnic Dehradun in 1958, and also followed by Diploma (advance class) in this very trade awarded to him by the Deptt. of Industries U. P. in 1959.

3. The Union alleges that at the time of his appointment in 1961 on the post of Gr. IV Carpenter he was eligible for his next promotion to Gr. I. However, in 1978, the management deliberately and to the disadvantage of the workman introduced grade II and grade III in between the said two existing grades i.e. Carpenter Gr. IV and Carpenter Gr. I. in 1978. The promotion cases of carpenters and others were under consideration of the management in 1972, but the management took decision in this regard in 1978. As a result of the belated decision in the matter of promotion by the management the workman was deprived of his legitimate promotion as Foreman in 1976, as Executive Engineer in 1980 and Dy. Suptd. Engineer in 1984. With the introduction of Carpenter Gr. II and III the workman was upgraded to Gr. III on 1-4-78 and to Gr. II on 1-4-82. The R & P Regulation 1980 provide opportunity to Diploma holders for promotion to a class I post, but the management insisted upon the holding of diploma in Mechanical Engineering, under the said regulation interpretation was not correct.

4. The Union further alleges that in the seniority list circulated by the management in 1969 and in 1975 the name of the workman appeared at serial No. 7 and 5 respectively and that of Sh. K. C. Mandal, who had also joined as Carpenter Gr. IV on 11-6-66, appeared at serial Nos. 16 and 13 respectively of the said lists. However, the management allowed Shri K. C. Mandal, to supersede his seniors by appointing him as Technician Gr. I (Carpentry) on 8-10-1974 on the recommendation of the selection committee which never called for the names of candidates working at Dehradun, Tripura and other places comprising part of the centralised unit of the employer. The management, are therefore, guilty of practising nepotism, favoritism and unfair labour practice. The said Shri K. C. Mandal is not even High School. He was promoted as Chageman in 1979, Foreman in 1982 and Asstt. Engineer in 1985. According to the Union, since the workman happened to be an active trade unionist and the Vice President, of the Union, due to his trade union activities, he was victimised by the management. The Union has therefore, prayed that the management be directed to promote the workman to the post of Gr. I (Carpentry) w.e.f. 8-10-74 and give him subsequent promotions due thereafter depending on his seniority.

5. The management plead that since the reference order is vague and ambiguous it is bad in law. Even otherwise the cause of action suffers from delay and latches as the order of reference reveals that the cause of action had arisen in all probability in 1974. The Union never passed any resolution making the cause of the workman as the case of the workman and did not raise any demand on the management regarding the alleged matter of disputes specified in the reference order.

5. The notice that was issued to the management by the ALC Central Dehradun before whom the union filed an application dt. Feb. 1986, refer to the alleged illegal reversion of Shri Darmayan Singh Carpenter Gr. II. Thus there is no nexus between the failure report sent by ALC(C), Dehradun to the Ministry of Labour and the matter of dispute referred to in the reference order. In fact there was no material before the Govt. for making the present reference. Hence, the dispute specified in the schedule annexed to the reference order is not an industrial dispute within the meaning of section 2(k) of the I.D. Act.

6. The management while admitting the fact that the workman was appointed as Technician Gr. IV (Carpentry) on 12-12-61 and the fact that Shri K. C. Mandal, was appointed in 1966, plead that Shri K. C. Mandal, was transferred to Agartala in March 1973, which was a part of Eastern Region at that time. However, his seniority continued to be maintained in Northern Region as he was transferred in ONGC's interest. Some time after his transfer to Agartala circular No. AGT/23/74-Estt. dated 19th July 1974, was issued inviting application from the employees of the ONGC Eastern Region alone and vacancies were also notified to the employment exchange Agartala on 19-7-74 for direct recruitment, to the post of Technician Gr. I (C) 10 candidates including Shri K. C. Mandal were called for interview on 26-9-74. Shri K C Mandal, was selected and was appointed as stated above, by direct recruitment on the post of Technician Gr. I (C) on 8-10-74, in Eastern Region. According to the management it was not obligatory for the management to inform the workman and invite his application for open selection for appointment through direct recruitment to the post of Tech. Gr. I(C) in Eastern Region as at that time he was posted at Dehradun which was in Northern Region.

7. The management then plead that the workman was upgraded to the post of Technician Gr. III (Carpentry) w.e.f. 3-4-78, and was subsequently promoted to the post of Junior Technician (C) w.e.f. 1st April 1982 under stagnation relief scheme for class III employees in Northern Region and Head Quarter Region. The question of upgradation, and not promotion of the post in the cadre of Technician Gr. IV (Carpentry) was under discussion with the recognised Union. It was after prolonged discussion of the representative, of the recognised Union that a decision was taken in April 1987 to upgrade the incumbents of Technician Gr. IV (C) to that of Technician Gr. III (C). Till 19-11-68 Carpenter/Technician Gr. IV (C) were entitled for promotion to Carpenter Gr. I/Technician Gr. I (C) but from 20-11-68 upto

24-4-80, the Channel of promotion was from Technician Gr. I(C) to Technician Gr. III(C) and from Technician Gr. III(C) to Technician Gr. II(C) and from Technician Gr. II(C) to Technician Gr. I(C) and Technician Gr. I(C) to Chargemen (C) as per Recruitment and promotion Regulation 1968. The action of the management was not cause harm to any particular employee but to streamline the recruitment and Promotions Regulations of the Commission. All this was done in consultation with the recognised Union for the benefit of all the employees.

8. It is also pleaded by the management that the workman possesses qualifications—Class VII and Diploma in Advance Cabinet making from Central Wood Working Institute Bareilly, which is not of 3 years duration. The Commission recognises Diplomas issued by various Institutions/Polytechnics which are of 3 years duration. 3 years Diploma in Mechanical Engineering or any other Engineering discipline is not only recognise by the Commission but also in all Central Government Offices/Undertaking for appointment to junior Cadres. Since Shri K C Mandal was appointed by direct recruitment, the question of nepotism and favouritism does not arise at all. Shri K C Mandal, possesses qualifications of having read upto 9th Class besides possessing a Carpentry certificate from Industrial Training Institute. Thus the Union has no case in respect of Sh Darmiyan Singh.

9. In the rejoinder, the Union has alleged that the law of Limitation does not apply to Industrial Disputes Act. From time to time representations were made by the workman directly and through, the Union with regard to the matter in dispute. It is wrong to say that there is no industrial dispute between the parties. In the matter of promotion seniority does count. In 1962, when the workman was granted Diploma, the Diploma course was of 2 years. It was subsequently when the course became of 3 years which included one year of Apprenticeship. The other pleas raised by the management in the written statement have been denied by the Union.

10. In support of its case, the Union filed the affidavit of Shri Darmiyan Singh and a few documents and in support their case the management have filed the affidavit of Shri D.M. Choudhary, Sr. Deputy Director (P & A) ONGC, and a number of documents.

11. There is no dispute about the fact that Shri K. C. Mandal, was junior to Shri Darmiyan Singh. Whereas Shri Darmiyan Singh joined as Technician Gr. IV in 1961, Shri Mandal joined as such in 1966. Both were in the Northern Region despite the fact that whereas Shri Darmiyan Singh joined at Dehradun Shri Mandal joined at Port Calling Project, Calcutta.

12. The defence case in short, is that in March 1973, Shri K. C. Mandal was transferred to Agartala, which at that time was a part of eastern Region. Despite his transfer his seniority continued to be maintained in Northern Region. Subsequently, certain vacancies including the vacancy of Technician Gr. I (C) were notified by means of circular dated 19-7-74,

copy document No. 6 of the list of documents filed by the management inviting applications from the employees of ONGC Eastern Region alone. These vacancies were also notified through the Employment Exchange, Agartala on the same date for direct recruitment, copy document No. 7 of the said list of documents of the management. Sh. K. C. Mandal also applied for the post of Technician Gr. I(C). Alongwith other candidates he was interviewed and finally selected and appointed by direct recruitment on the said post on 8-10-1974 in the Eastern Region. According to the management since the aforesaid post was to be filled up by open selection and by direct recruitment, from amongst the employees of ONGC Eastern Region who had applied for the said post, there did not arise the question of supersession as is the case of the Union. There further does not arise the question of notifying the vacancy to other regions as in the circular it was specifically stated that applications were invited from employees of ONGC Eastern Region alone. Since, Shri Darmiyan Singh was posted in the Northern Region, under the circular he was not to be informed nor from him an application for filling up the said post was to be invited.

13. These facts have been corroborated by the management witness by his affidavit. He has not been cross examined on these points. It has been contended on behalf of the Union that applications should have been invited from employees of other Regions also. The authorised representative for the Union has failed to show me any rule or law on this point. Even from Ext. W-3 and 4 which are copies of seniority lists filed by the Union it is clear that these seniority lists have been prepared Region wise. So in the absence of any rule or law it cannot be said that any illegality was committed by ONGC Tripura Project, Agartala, in confining the post of Technician Gr. I(C) to the employees of ONGC Eastern Region alone.

14. Secondly, it has been contended by the authorised representative for the Union, that the post of Technician Gr. I is a promotional post and it could not have been filled up by direct recruitment. In this regard he has referred to Ext. W-5 which is the copy of ONGC (Recruitment & Promotion) Regulation. From it, it appears that the above post is a promotional post. The same time has been stated by the management witness in his cross examination. He has said that the post is 100 per cent promotional post. It follows therefore that there had been a deviation from the prescribed regulation in filling up the post of Technician Gr. I in the Eastern Region.

15. Despite the fact that there had been irregularity the question is who would be entitled to challenge it I do not think that Shri Darmiyan Singh or the union represented by him can agitate the matter. The matter can be agitated only by the employees of the Eastern Region whose claim to the filling up of the post of Technician Gr. I(C) had been ignored by ONGC Eastern Region. So even on the second point, the Union fails.

16. Lastly, even if it is said that the present Union could have challenged the supersession, the remedy is barred because of inordinate delay in pressing the action. The cause of action arose on 8-10-74, when Shri K. C. Mandal was appointed as Technician Gr.

I(C) in the Eastern Region According to Shri Darmiyan Singh he referred the matter for the first time to the Union in 1984. According to him the matter was taken up before ALC(C) in 1985, but from Ext. M-1, which the copy of application before ALC it appears that it was raised some time in Feb. 1986. The reference order is dt. 4-8-1987. Then in para 13 of the claim statement it is stated that Shri K. C. Mandal has earned a number of further promotions after his appointment in October, 1974. He became chagemen in 1979, Foreman in 1982 and Assistant Engineer in 1985.

17. In K. R. Mudgal V. R. P. Singh 1986 Lab IC 1932 (SC) it was held that it is essential that any one who feels aggrieved by the seniority assigned to him should approach the court as early as possible as otherwise in addition to the sense of insecurity in the mind of Govt. Servants there would also be administrative complications and difficulties. A Govt servant who is appointed to any post ordinarily should at least after a period of 3-4 years of his appointment be allowed to attend to his post peacefully and without sense of insecurity. Their Lordships dismissed the petition on the ground of laches. Similar is the case over here. If Shri Darmiyan Singh Union felt aggrieved on account of the direct recruitment of Sh. K. C. Mandal to the post of Technician Gr. I(C) thus superseding Shri Darmiyan Singh and others, Sh. Darmiyan Singh or the Union should have raised the matter within a reasonable time and should not have waited till such time as had unable Shri K. C. Mandal to earn a few more promotions

18. I, therefore, decide the reference against the Union/Workman Shri Darmiyan Singh.

Dated : 5-6-1989

ARJAN DEV, Presiding Officer

[No. L-30012/23/86-D.III(B)]

V. K. SHARMA, Desk Officer

नई दिल्ली, 21 जून, 1989

का. आ. 1630:—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुमरण में केन्द्रीय सरकार पोस्ट मास्टर जनरल, नई दिल्ली के प्रबंधन से सम्बद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निदिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधि-करण, नई दिल्ली के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 12-6-1989 को प्राप्त हुआ था।

New Delhi, the 21st June, 1989

S.O. 1630.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the central Government Industrial Tribunal, New Delhi as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Post master General, New Delhi and their workmen, which was received by the Central Government on the 12-6-1989.

ANNEXURE

BEFORE SHRI G. S. KALRA, PRESIDING
OFFICER, CENTRAL GOVERNMENT INDUS-
TRIAL TRIBUNAL, NEW DELHI

I. D. No. 90/88

In the matter of dispute between :

Shri Sri Bhagwan C/o Shri R. S. Lakra, General
Secretary, I.N.T.U.C Distt. Sonipat,
I.N.T.U.C. Bhawan, Model Town, Sonipat.

Versus

1. Post Master General, Mohan Singh Place,
Connaught Place, New Delhi.
2. Senior Supdt. of Post Offices, South West Di-
vision, New Delhi

APPEARANCES

Shri R. S. Lakra--for the workman.

Shri U. N. Kalra--for the management.

AWARD

The Central Government in the Ministry of Labour vide its Order No. L. 40012/32/87-D.II(B) dated 5th August, 1988 has referred the following industrial dispute to this Tribunal for adjudication.

"Whether the action of the management of Post Master General, New Delhi in terminating Shri Sri Bhagwan from service with effect from 17-12-1986 and in not allowing him to sit for the test for regular appointment is legal and justified. If not, to what relief the workman concerned is entitled?"

2. As this reference is being decided on the basis of settlement it is not necessary to set forth in detail the pleadings of the parties. Suffice it to say that the workman filed statement of claim dated 27-1-1989, the Management filed written statement dated 27-2-1989, and the workman filed a rejoinder dated 13-3-1989. On 23-5-1989 Shri K. C. Gupta, A.S.P.O. on behalf of the management made statement that they were prepared to take the workman back in service with the benefit of continuity of service from the date of initial appointment but without back wages and that the workman could join duty from the next day and further that the workman shall be duly considered for regular appointment in accordance with the scheme prepared under the directions of the Hon'ble Supreme Court of India. This offer was accepted by the workman.

3. As per the statement of parties, I hereby make an award to the effect that the workman shall be reinstated in service with continuity of service but without any back wages and the workman shall also be considered for regular appointment in accordance with the scheme prepared by the Management under the directions of the Hon'ble Supreme Court. The workman shall join duty without loss of time. This reference stands disposed of accordingly.

Further it is ordered that the requisite number of copies of this award may be forwarded to the Central Government for necessary action at their end.

Dated : 24th May, 1989.

G. S. KALRA, Presiding Officer.
[No. L-40012/32/87-D.II(B)]

का आ. 1631 औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) को धारा 17 के अनुसरण में केन्द्रीय सरकार पोस्ट मास्टर जनरल, नई दिल्ली के प्रबंधन से सम्बद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधि-करण नई दिल्ली के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 12-6-1989 को प्राप्त हुआ था।

S.O. 1631.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, New Delhi as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Post Master General, New Delhi and their workmen, which was received by the Central Government on the 12-6-1989.

ANNEXURE

BEFORE SHRI G. S. KALRA, PRESIDING
OFFICER, CENTRAL GOVT. INDUSTRIAL
TRIBUNAL, NEW DELHI

I. D. No. 89/88

In the matter of dispute between :

Shri Brahm Prakash son of Shri Ram Chander,
H. No. V/4, Old Nangal, Delhi Cantt. 10

Versus

1. Post Master General, Mohan Singh Place,
Connaught Place, New Delhi.
2. Senior Supdt. of Post Offices, South West
Division, New Delhi.

APPEARANCES :

Shri Jog Singh--for the workman.

Shri U. M. Kalra--for the Management.

AWARD

The Central Government in the Ministry of Labour vide its Order No. L. 40012/34/87-D.II(B), dated 5th August, 1988 has referred the following Industrial Disputes to this Tribunal for adjudication:

"Whether the action of the management of Post Master General, New Delhi in terminating Shri Brahm Prakash from service with effect from 24-12-1986 and in not allowing him to sit for the test for regular appointment is legal and justified. If not, to what relief the workman concerned is entitled?"

2. As this reference is being decided on the basis of settlement it is not necessary to set forth in detail

the pleadings of the parties. Suffice it to say that the workman filed statement of claim dated 24-10-1988, the Management filed written statement dated 5-12-1988, and the workman filed a rejoinder dated 27-2-1989. On 23-5-1989 Shri K. C. Gupta, A.S.P.O. on behalf of the Management made statement that they were prepared to take the workman back in service with the benefit of continuity of service from the date of initial appointment but without back wages and that the workman could join duty from the next day and further that the workman shall be duly considered for regular appointment in accordance with the scheme prepared under the directions of the Hon'ble Supreme Court of India. This offer was accepted by the workman.

3. As per the statement of parties, I hereby make an award to the effect that the workman shall be reinstated in service with continuity of service but without any back wages and the workman shall also be considered for regular appointment in accordance with the scheme prepared by the Management under the directions of the Hon'ble Supreme Court. The workman shall join duty without loss of time. This reference stands disposed of accordingly.

Further it is ordered that the requisite number of copies of this award may be forwarded to the Central Government for necessary action at their end.

Dated 24th May, 1989.

G. S. KALRA, Presiding Officer.

[No. L-40012/34/87-D II(B)]

का. अ. 1632— औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार पोस्टमास्टर जनरल नई दिल्ली के प्रबन्धतंत्र के सम्बद्ध नियोजकों और उनके कर्मकारों के बीच अनुबंध में औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिनियम, नई दिल्ली के पंचवट को प्रकाशित करती है जो केन्द्रीय सरकार को 12-6-89 को प्राप्त हुआ था।

S.G. 1632.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, New Delhi as shown in the Annexure in the industrial dispute between the employment in relation to the management of Post Master General New Delhi and their workmen which was received by the Central Government on the 12-6-1989.

ANNEXURE

BEFORE SHRI G. S. KALRA, PRESIDING OFFICER, CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL, NEW DELHI

I. D. No. 88/88

In the matter of dispute between

Shri Ved Parkash son of Shri Daleep Chand, Village, Mundawal, Distt. Faridabad (Haryana)

Versus

1. Post Master General, Mohan Singh Place, Connaught Place, New Delhi.
2. Senior Supdt. of Post Offices, South Division, New Delhi.

APPEARANCES :

Shri Jog Singh—for the workman.

Shri U.N. Kalra—for the Management.

AWARD

The Central Govt. in the Ministry of Labour vide its order No. 40012/33/87-D.II(B) dated 5th August, 1988 has referred the following industrial dispute to this Tribunal for adjudication.

"Whether the action of the management of Post Master General, New Delhi in terminating Shri Ved Parkash from service with effect from 6-1-1987 and in not allowing him to sit for the test for regular appointment is legal and justified? If not, to what relief the workman concerned is entitled?"

2. As this reference is being decided on the basis of settlement it is not necessary to set forth in detail the pleadings of the parties. Suffice it to say that the workman filed statement of claim dated 24-10-88, the Management filed written statement dated 5-12-1988, and the workman filed a rejoinder dated 27-2-89. On 23-5-1989 Shri K. C. Gupta, A.S.P.O. on behalf of the Management made statement that they were prepared to take the workman back in service with the benefit of continuity of service from the date of initial appointment but without back wages and that the workman could join duty from the next day and further that the workman shall be duly considered for regular appointment in accordance with the scheme prepared under the directions of the Hon'ble Supreme Court of India. This offer was accepted by the workman.

3. As per the statement of parties, I hereby make an award to the effect that the workman shall be reinstated in service with continuity of service but without any back wages and the workman shall also be considered for regular appointment in accordance with the scheme prepared by the Management under the directions of the Hon'ble Supreme Court. The workman shall join duty without loss of time. This reference stands disposed of accordingly.

Further it is ordered that the requisite number of copies of this award may be forwarded to the Central Government for necessary action at their end.

Dated 24th May, 1989.

G. S. KALRA, Presiding Officer

[No. L-40012/33/87-D II(B)]

का. आ. 1633—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अन्वये में केन्द्रीय सरकार इन्टीग्रल कोच फैक्ट्री इन्डियन रेलवे मद्रास के प्रबन्ध-क्षेत्र में सम्बद्ध नियोजकों और उनके कर्मचारों के बीच अशुद्धि में निर्दिष्ट औद्योगिक विवाद में औद्योगिक अधिकरण मद्रास के पंचपट को प्रकाशित करती है जो केन्द्रीय सरकार को 13-6-89 को प्राप्त हुआ था।

S.O. 1633.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Industrial Tribunal Madras as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Integral Coach Factory, Indian Railways, Madras and their workmen, which was received by the Central Government on the 13-6-89.

ANNEXURE

BEFORE THE INDUSTRIAL TRIBUNAL, TAMILNADU MADRAS

Wednesday, the 19th day of April, 1989

Industrial Dispute No. 3 of 88

(In the matter of the dispute for adjudication under Section 10(1)(d) of the Industrial Disputes Act, 1947 between the workman and the Management of Integral Coach Factory, Madras).

BETWEEN

Thiru T. Ramachandran, Ex. H.S.A., I.C.F, C/o
T. P. Thiruppa, No. 5/23, Vasantha
Garden Street, 1st lane, Madras

AND

The Dy. Chief Mechanical Engineer, Furnishing
Division, Integral Coach Factory, Indian
Railways, Madras.

REFERENCE :

Order No. L-40012/54/85-D.II(B), dated 23-4-87
of the Ministry of Labour, Government of
India, New Delhi.

This dispute coming on for final hearing on Thursday, the 9th day of February, 1989 upon perusing the reference, claim and counter statements and all other material papers on record and upon hearing the argument of Thiru T. P. Elisha Thiruppal, Authorised Representative appearing for the workman and of Thiru A. J. D. Rozario, Authorized Representative for the Management and this dispute having stood over till this day for consideration, this Tribunal made the following.

AWARD

This dispute between the workman and the Management of Integral Coach Factory, Indian Railways, Madras arises out of a reference under Section 10(1) 1783 GI/89—5.

(d) of the Industrial Disputes Act, 1947 by the Government of India in its Order No. L-40012/54/85-D. II(B), dated 23-4-87 of the Ministry of Labour, for adjudication of the following issue :

“Whether the action of the Management of Integral Coach Factory, Indian Railways, Madras in removing from service w.e.f. 27-10-1977 the workman Shri T. Ramachandran, Ex. HSA, Gr. II, 30/1014 is justified? If not what relief the said workman is entitled to?”

2. The Petitioner averments are that the Petitioner was an employee in the Respondent's Factory worked as a Trade Apprentice on 2-11-57 subsequently he was promoted to as Sk. Fitter and HSA/Gr. II fitter with effect from 5-5-1959 and 27-9-1973 respectively. While so, he was working some time in 1974 he lost his brother and he was in financial difficulty due to debts left behind by his father and mother and he has to get two sisters married. All these things upset his mind. To tide over the problem, he applied leave from 27-10-1977 to 5-11-1977 which was sanctioned. He could not face the debts as in his native place and he became mentally sick. Thereafter his relations and friends brought him to a private doctor. Meanwhile this was informed by some co-workers to the Petitioner that he was removed from service. His representation dated 23-12-81 and 18-2-1982 to the General Manager have no effect. Then he sent a report on 14-9-1982 requesting to supply the copy of documents in connection with his removal and the said documents were supplied to him. The Petitioner was removed from service with effect from 28-7-1978. In the exparte enquiry proceedings no documents or oral evidence was let in. The enquiry proceedings are vitiated as per Rule 9(17) of the Railway Servants (Discipline and Appeal) Rules, 1968. Hence the termination of service is illegal and he is to be reinstated in service with back wages. Hence this application.

3. The Respondent in its counter states that he was sanctioned leave from 27-10-1977 to 5-11-1977 and he did not resume duty and remained absent from 6-11-1977 onwards. On 11-2-1978 after a lapse of three months he applied for 100 days leave from 6-11-1977 but it was not sanctioned. He was advised to join duty immediately. As he failed to report for duty he was issued charge memo for the continuous absence from 6-11-1977 and also for 11 days of cumulative absence from 10-1-1977 and 25-10-1977. The charge memo was sent to the Petitioner's leave address at No. 5/18 Prakasam Nagar, New Town, Anantapur, Andhra Pradesh by Registered post/Acknowledgement due was returned underdelivered by the Postal Authorities as Addressee left without instructions, wherein enquiry was held. The enquiry notices were also sent to the Petitioner on 7-4-78 by Registered post/Acknowledgement due. This communication was also returned by the postal authorities as addressee was not available. The Enquiry Officer held the enquiry Exparte and submitted his findings. The findings were accepted and after show cause notice was sent to the leave address, which was also returned by the Postal authorities. After that he was removed from service with effect from 28-7-1978. There was no communications from him. Only on 23-12-1981, after 31/2 years, his wife sent a letter

stating her husband was under going treatment for physical and mental health. The Petitioner thereafter submitted a report on 11-3-1982 seeking reinstatement in service enclosing a medical certificate from a private doctor of Madras. The Petitioner was given ample opportunities to defend his case and the enquiry was held ex parte and no personal witnesses were cited in the charge memo. The Enquiry Officer considered all the documents and came to the conclusion. Hence the application is liable to be dismissed.

4. The point for determination is whether the action of the Management-Respondent in removing the Petitioner-workman from service, with effect from 24-7-78 is justified? To what relief he is entitled to?

5. M-1 and M-2 marked and W-1 to W-11 were marked on the side of the Management and workman respectively. W.W. 1 was examined on the side of the workman. No oral evidence was adduced on the side of the Management.

6. W.W. 1 in his evidence would depose the fact of applying leave due to his family circumstances and also his mental conditions. Subsequently he applied for Medical Leave under W-5 and he was informed that he has been terminated from service. He would depose that the charge sheet, enquiry notice and allegation notice were sent to the Ananthapur address is totally incorrect. They were only sent to Ayyanavaram. The authorised representative of the claimant referred to W-1, the charge memo and contended that respondent did not furnish the list of documents which are relied on by the Management. The authorised representative for the Respondent-Management pointed out that those things have been furnished to the petitioner were namely, list of documents, list of witness, original charge sheet but they were returned to the Management. However, the documents filed in this case in W.1 containing a charge-sheet does not refer to those facts. Therefore it is rightly pointed out that the Petitioner has been deprived of an opportunity. The findings of the Enquiry Officer under W-2, was attacked by the authorised representative for the Petitioner contending that the Enquiry Officer has not followed the procedure and therefore the enquiry was vitiated. According to him even in the ex-parte enquiry neither documents nor witnesses were let in to substantiate the case of the management. This contention cannot be brushed aside as having no force. A look at W-2 reveals that the Enquiry Officer's findings were based on a letter dated 11-2-78 stating that the communications sent to his leave address were returned undelivered by the postal authorities. He further says that enough opportunities were given to the employee to defend his case. It is true that the communications sent to the leave address of the petitioner were returned undelivered by the postal authorities, with the endorsement that "either left without instructions or no such addressee". It is thus at once wherever communication sent to him have been returned undelivered. Consequently the Enquiry Officer has to proceed only ex parte. If the petitioner himself chose to absent, the Enquiry Officer is necessarily to go on Ex-parte. The Enquiry Officer relying on the documents and oral evidence, comes

Ex. W-1|18-3-78—Charge Memo issued to the

sent from duty unauthorisedly without prior sanctions of leave or proper medical certificate but also fails to indicate his whereabouts. It is not known on what basis the Enquiry Officer comes to such conclusion. Admittedly no documents were marked before the Enquiry Officer. While so it is not known how he can give such a finding referred to in some letter dated 11-2-78. The returned letters or communications ought to have been marked by the Officer so as to contend that the Enquiry Officer took all the pains to serve the delinquent but could not do so. Of course, the Authorised Representative for the Management contended that by reason of M-1, letter copy, the leave asked for 100 days was not sanctioned and the Opposite Party was advised to report to duty immediately. M-2 is the Xerox copy of Office note, would show that leave was not granted to the Opposite Party and he was advised to join duty immediately. At this stage the Authorised Representative referred to Rule 9(17) of the Railway Servants (Discipline and appeal) Rules 1968 and contended that the procedure adopted by the Enquiry Officer is not valid. Rule 9(17) says "on the date fixed for the inquiry, the oral and documentary evidence by which the articles of charge are proposed to prove shall be produced by or on behalf of the disciplinary authority. The witnesses shall be examined by or on behalf of the Presenting Officer and may be cross-examined by or on behalf of Railway Servant....." It is seen that the Enquiry Officer has not followed the procedure and has simply gave his findings in his own way referring to some evidence, much less no documents were relied on by the Management. When documents were not filed before the Enquiry Officer, it is not known on what authority he comes to a conclusion that the charges against the Opposite Party were proved. It is completely forgotten by the Enquiry Officer that he ought to have followed the procedure as contemplated under the Railway Servants (Discipline and Appeal) Rules and after analysing the evidence on record he ought to have come to a conclusion. But in this case he gave his findings against the claimant without documents. Therefore, I have no hesitation to hold that Ex-parte finding is totally perverse and not based on any material records. For these reasons this point is found in favour of the Petitioner.

7. In the result, an award is passed directing the respondent to reinstate the complainant without any back wages.

No costs.

Dated, this 19th day of April, 1989.

Witnesses Examined :

For Workmen : W.W.1—Thiru T. Ramachandran.

For Management : None.

Documents Marked :

For Workmen :

Ex. W-1|18-3-78—Charge Memo issued to the workman (copy)

W-2|25-4-78—Findings of the Enquiry Officer (copy)

W-3|24-7-78—Penalty advice (copy).

W-4|23-12-81—Representation by Smt. Padmavathi, wife of the Petitioner-workman Thiru T. Ramachandran to the Management (copy)

W-5|7-1-82—Medical Certificate issued by Dr. A. S. Johnson (copy)

W-6|18-2-82—Letter from Smt. Padmavathi to the Management (copy)

W-7|11-3-82—Letter from the Petitioner-workman to the General Manager, I.C.F. Madras-38 requesting to reinstate him (copy)

W-8|16-4-82—Reply by the Management to W-7 (copy)

W-9|14-9-82—Letter from the Petitioner-workman to the Management requesting to supply copy of documents viz. Charge-sheet, enquiry findings and penalty advice, (copy)

W-10|8-11-82—Letter from the Petitioner-workman to the Management requesting to supply copy of documents viz., Charge-sheet, enquiry findings and penalty advice (copy)

W-11|9-2-83—Reply by the Management to Ex. W-9 (copy)

For Management :

Ex. M.1|11-2-78—Letter from Shop superintendent, I.C.F. to the Petitioner-Workman advising him to report for duty (copy)

M-2|20-2-78—Office Notice refusing to grant leave to the Petitioner-workman (xerox copy).

K. NATARAJAN, Presiding Officer.

[No L-40012|54|85|D.JI(B)]

का.आ. 1634 — औद्योगिक विवाद अधिनियम 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार पोस्टमास्टर जनरल नई दिल्ली के प्रबंधन के सम्बद्ध नियोजकों और उनके कर्मचारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण नई दिल्ली के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 12-6-89 को प्राप्त हुआ था।

S.O. 1634.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, New Delhi as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Post Master General, New Delhi and their workmen, which was received by the Central Government on the 12-6-89.

ANNEXURE

BEFORE SHRI G. S. KALRA, PRESIDING OFFICER, CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL, NEW DELHI

I. D. No. 87|88

In the matter of dispute between :

Shri Dhani Ram son of Shri Prabhu Dayal, H. No. 296, Village Munirka, P.O. JNU, New Delhi-67.

Versus

1. Post Master General, Mohan Singh Place, Connaught Place, New Delhi.

2. Senior Supdt. of Post Offices, South West Division, New Delhi.

APPEARANCES :

Shri Jog Singh—for the workman.

Shri U.M. Kalra—for the Management.

AWARD

The Central Government in the Ministry of Labour vide its Order No. L-40012|29|87-D.II(B) dated 5th August, 1988 has referred the following industrial dispute to this Tribunal for adjudication:

“Whether the action of the management of Post Master General, New Delhi in terminating Shri Dhani Ram from service with effect from 17-12-1986 and in not allowing him to sit for regular appointment is legal and justified. If not, to what relief the workman concerned is entitled ?”

2. As this reference is being decided on the basis of settlement it is not necessary to set forth in detail the pleadings of the parties. Suffice it to say that the workman filed statement of claim dated 24-10-1988, the Management filed written statement dated 5-12-1988 and the workman filed a rejoinder dated 27-2-1989. On 23-5-1989 Shri K. C. Gupta, A.S.P.O. on behalf of the Management made statement that they were prepared to take the workman back in service with the benefit of continuity of service from the date of initial appointment but without back wages and that the workman could join duty from the next day and further that the workman shall be duly considered for regular appointment in accordance with the scheme prepared under the directions of the Hon'ble Supreme Court of India. This offer was accepted by the workman.

3. As per the statement of parties, I hereby make an award to the effect that the workman shall be reinstated in service with continuity of service but without any back wages and the workman shall also be considered for regular appointment in accordance with the scheme prepared by the management under the directions of the Hon'ble Supreme Court. The workman shall join duty without loss of time. This reference stands disposed of accordingly.

Further it is ordered that the requisite number of copies of this award may be forwarded to the Central Government for necessary action at their end.

Dated 24th May, 1989.

G. S. KALRA, Presiding Officer

[No. L-40012/29/87-D.II(B)]

HARI SINGH, Desk Officer

(केन्द्रीय भविष्य निधि आयुक्त का कार्यालय)

नई दिल्ली, 6 जून, 1989

का. आ. 1635—जहां अनुसूची 1 में उल्लिखित नियोजताओं ने (जिसे इसमें इसके पश्चात उक्त स्थापना कहा गया है) कर्मचारी भविष्य निधि और प्रकीर्ण उपबन्ध अधिनियम 1952 (1952 का 19) की धारा 17 की उपधारा 2 (क) के अन्तर्गत छूट के लिए आवेदन किया है (जिसे इसमें इसके पश्चात उक्त अधिनियम कहा गया है)।

चूंकि मैं बी.एन.सोम केन्द्रीय भविष्य निधि आयुक्त का नात से संतुष्ट हूं कि उक्त स्थापना के कर्मचारी कोई अलग अंशदान या प्रीमियम की प्रदायगी किये बिना जीवन बीमा निगम की सामूहिक बीमा स्कीम का लाभ उठा रहा है जोकि ऐसे कर्मचारियों के लिए कर्मचारी निक्षेप सहवृद्ध बीमा स्कीम, 1976 के अन्तर्गत स्वीकार्य लाभों से अधिक अनुकूल है (जिसे इसमें इसके पश्चात स्कीम कहा गया है)।

अतः उक्त अधिनियम की धारा 17 की उपधारा 2 (क) द्वारा प्रदत्त शक्तियों का प्रयोग करने हुए तथा इसके साथ संलग्न अनुसूची में उल्लिखित शर्तों के अनुसार मैं, बी.एन.सोम प्रत्येक उक्त स्थापना को प्रत्येक के सामान उल्लिखित पिछली तारीख से प्रभावी जिस तिथि से उक्त स्थापना को क्षेत्रीय भविष्य निधि आयुक्त गुजरात ने स्कीम की धारा 28(7) के अन्तर्गत डील प्रदान की है, 3 वर्ष की अवधि के लिए उक्त स्कीम के संचालन की छूट देना हूँ।

अनुसूची-I

क्रम सं.	स्थापना का नाम व पता	कोड संख्या	छूट की प्रभावी तिथि
1	2	3	4
1.	भैरव महालक्ष्मी फेब्रीक मिल	जी जे/	1-5-1987
	मा. वि. बम्बई नेशनल हाईवे	26529	
	रोड, नेरोल (छणानगर),		
	अहमदाबाद		

1	2	3	4
2.	मैमर्स पेट्रोलियम कॉ-ऑप. लि.	जी जे/5938	1-10-1986
	डाकखाना पट्टोफिल्म जिला		
	बड़ोदा, पिन-391347	गुजरात	
3.	भैरव श्री रसायन विभाग सहकारी	जी जे/9873	1-6-1987
	उद्योग मंडली लिमिटेड, सायन-		
	394130, जिला सुरत		

अनुसूची-II

1. उक्त स्थापना के सम्बन्ध में नियोजक (जिसे इसमें इसके पश्चात नियोजक कहा गया है) सम्बंधित क्षेत्रीय भविष्य निधि आयुक्त को ऐसी विवरणियां भेजेगा और ऐसे लेखा रखेगा तथा निरीक्षण के लिए ऐसी सुविधाएं प्रदान करेगा जो केन्द्रीय भविष्य निधि आयुक्त समय-समय पर निदिष्ट करें।

2. नियोजक, ऐसे निरीक्षण प्रभारों का प्रत्येक मास की समाप्ति के 15 दिन के भीतर संदाय करेगा जो केन्द्रीय सरकार उक्त अधिनियम की धारा 17 की उपधारा (3-क) के खण्ड-क के अधीन समय-समय पर निदिष्ट करें।

3. सामूहिक बीमा स्कीम के प्रशासन में जिसके अंतर्गत लेखाओं का रखा जाना, विवरणियों का प्रस्तुत किया जाना, प्रीमियम का संदाय, लेखाओं का अन्तरण, निरीक्षण प्रभारों का संदाय आदि भी है होने वाले सभी व्ययों का वहन नियोजक द्वारा दिया जायेगा।

4. नियोजक, केन्द्रीय सरकार द्वारा अनुमोदित सामूहिक बीमा स्कीम के नियमों की एक प्रति और जब कभी उनमें संशोधन किया जाये, तब उस संशोधन की प्रति तथा कर्मचारियों की बहुसंख्या की भाषा में उसकी मुख्य बातों का अनुवाद स्थापना के सूचना पट्ट पर प्रदर्शित करेगा।

5. यदि कोई ऐसा कर्मचारी जो कर्मचारी भविष्य निधि का या उक्त अधिनियम के अधीन छूट प्राप्त किसी स्थापना की भविष्य निधि का पहले ही सदस्य है, उक्त स्थापना में नियोजित किया जाता है तो, नियोजक सामूहिक बीमा स्कीम के सदस्य के रूप में उसका नाम तुरन्त दर्ज करेगा और उसकी बाबत आवश्यक प्रीमियम भारतीय जीवन बीमा निगम को भुगत करेगा।

6. यदि उक्त स्कीम के अधीन कर्मचारियों को उपलब्ध लाभ बढ़ाये जाते हैं तो नियोजक सामूहिक बीमा स्कीम के अधीन कर्मचारियों को उपलब्ध लाभों में समुचित रूप से वृद्धि किये जाने की व्यवस्था करेगा जिससे कि कर्मचारियों के लिए सामूहिक बीमा स्कीम के अधीन उपलब्ध लाभों में अधिक अनुकूल हो जो उक्त स्कीम के अधीन अनुज्ञ है।

7. सामूहिक बीमा स्कीम में किसी बात के होते हुए भी यदि किसी कर्मचारी की मृत्यु पर उस स्कीम के अधीन संदेय राशि उस राशि में कम है जो कर्मचारी की उस दशा में संदेय होती जब वह उक्त स्कीम के अधीन होता तो, नियोजक कर्मचारी के विधिक वारिस/नाम निर्देशनों को प्रतिकर के रूप में दोनों राशियों के अन्तर बराबर राशि का संदाय करेगा।

8. सामूहिक बीमा स्कीम के उपबन्धों में यदि कोई भी संशोधन सम्बन्धित क्षेत्रीय भविष्य निधि आयुक्त के पूर्व अनुमोदन के बिना नहीं किया जायेगा और जहाँ किसी संशोधन से कर्मचारियों के हित पर प्रतिकूल प्रभाव पड़ने की संभावना हो, वहाँ क्षेत्रीय भविष्य निधि आयुक्त अपना अनुमोदन देने से पूर्व कर्मचारियों को अपना दृष्टिकोण स्पष्ट करने का व्यक्तिगत अवसर देगा।

9. यदि किसी कारणवश स्थापना के कर्मचारी भारतीय जीवन बीमा निगम की उस सामूहिक बीमा स्कीम के, जिसे स्थापना पहले अपना चुकी है अधीन नहीं रह जाता है या इस स्कीम के अधीन कर्मचारियों को प्राप्त होने वाले लाभ किसी रीति से कम हो जाते हैं तो यह रद्द की जा सकती है।

10. यदि किसी कारणवश नियोजक उस नियत तारीख के भीतर जो भारतीय जीवन बीमा निगम नियत करें, प्रीमियम का संदाय करने में असफल रहता और पालिसी की व्यवगत हो जाने दिया जाता है तो, छूट रद्द की जा सकती है।

11. नियोजक द्वारा प्रीमियम के संदाय में किये गये किसी व्यक्तिगत की दशा में उन मृत सदस्यों के नाम निर्देशनों या विधिक वारिसों को जो यदि यह छूट न दी गई

होती तो उक्त स्कीम के अन्तर्गत होने, बीमा लाभों के संदाय का उत्तरदायित्व नियोजक पर होगा।

12. उक्त स्थापना के सम्बन्ध में नियोजक इस स्कीम के अधीन आने वाले किसी सदस्य की मृत्यु होने पर उसके हक्कादार नाम निर्देशनों/विधिक वारिसों को बीमाकृत राशि का संदाय तत्पश्चात् से और प्रत्येक दशा में भारतीय जीवन बीमा निगम से बीमाकृत राशि प्राप्त होने के सात दिन के भीतर मुनिश्चित करेगा।

[संख्या 2/1959/श्री एन आई/छूट/89/भाग-1]

(Office of the Central Provident Fund Commissioner)

New Delhi, the 6th June, 1989

S.O. 1635.—Whereas the employers of the establishments mentioned in Schedule I (hereinafter referred to as the said establishments) have applied for exemption under sub-section (2A) of Section 17 of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 (19 of 1952) (hereinafter referred to as the said Act);

And whereas, B. N. Som, Central Provident Fund Commissioner, is satisfied that the employees of the said establishments are, without making any separate contribution or payment of premium, in enjoyment of benefits under the Group Insurance Scheme of the Life Insurance Corporation of India in the nature of Life Insurance which are more favourable to such employees than the benefits admissible under the Employees' Deposit Linked Insurance Scheme, 1976 (hereinafter referred to as the said Scheme);

Now, therefore, in exercise of the power conferred by sub-section (2A) of Section 17 of the said Act, and subject to the conditions specified in Schedule II annexed hereto, I, B. N. Som, hereby exempt each of the said establishments with retrospective effect from the date mentioned against each from which date relaxation order under para 28(7) of the said Scheme has been granted by the R.P.F.C., Gujarat from the operation of the said scheme for and upto a period of three years.

SCHEDULE-I

Sl. No.	Name of the establishment	Code No.	Effective date of exemption
(1)	(2)	(3)	(4)
1.	M/s. Mahalaxmi Fabric Mills (Private) Ltd., Bombay National Highway Road, Nerol (Ichampur) Ahmedabad.	GJ/2652-A	1-5-1987
2.	M/s. Petroffs Cooperative Ltd., P. O. Petroffs, Distt. Broda Pin-391347, Gujarat	GJ/5938	1-10-1986
3.	M/s. Sree Sivan Vibhag Sahukari Khand Udyog Mandir Ltd., Sayan-394130, Distt. Surat.	GJ/9873	1-6-1987

SCHEDULE II

1. The employer in relation to each of the said establishment (hereinafter referred to as the employer) shall submit such returns to the Regional Provident Fund Commissioner concerned and maintain such accounts and provide such facilities for inspection, as the Central Provident Fund Commissioner may direct from time to time.

2. The employer shall pay such inspection charges as the Central Government may, from time to time, direct under clause (a) of sub-section (3A) of Section 17 of the said Act, within 15 days from the close of every month.

3. All expenses involved in the administration of the Group Insurance Scheme, including maintenance of accounts, submission of returns, payment of insurance premia, transfer of accounts, payment of inspection charges etc. shall be borne by the employer.

4. The employer shall display on the Notice Board of the establishment, a copy of the rules of the Group Insurance Scheme as approved by the Central Provident Fund Commissioner and, as and when amended, alongwith translation of salient features thereof in the language of the majority of the employees.

5. Whereas an employee, who is already a member of the Employees' Provident Fund or the Provident Fund of an establishment exempted under the said Act, is employed in his establishment, the employer shall immediately admit him as a member of the Group Insurance Scheme and pay necessary premium in respect of him to the Life Insurance Corporation of India.

6. The employer shall arrange to enhance the benefits available to the employees under the Group Insurance Scheme appropriately, if the benefits available to the employees under the said Scheme are enhanced, so that the benefits available under the Group Insurance Scheme are more favourable to the employees than the benefits admissible under the said Scheme.

7. Notwithstanding anything contained in the Group Insurance Scheme, if on the death of an employee the amount payable under the Scheme be less than the amount that would be payable had the employee been covered under the said Scheme, the employer shall pay the difference to the nominee(s)/legal heir(s) of the employee as compensation.

8. No amendment of the provisions of the Group Insurance Scheme shall be made without the prior approval of the Regional Provident Fund Commissioner concerned and where any amendment is likely to affect adversely the interest of the employees, the Regional Provident Fund Commissioner shall before giving his approval, give a reasonable opportunity to the employees to explain their point of view.

9. Where, for any reason, the employees of the said establishment do not remain covered under the Group Insurance Scheme of the Life Insurance Corporation of India as already adopted by the said establishment, or the benefits to the employees under this Scheme are reduced in any manner, the exemption shall be liable to be cancelled.

10. Where, for any reason, the employer fails to pay the premium etc. within the due date, as fixed by the Life Insurance Corporation of India, and the policy is allowed to lapse, the exemption shall be liable to be cancelled.

11. In case of default, if any made by the employer in payment of premium the responsibility for payment of assurance benefits to the nominee(s)/legal heir(s) of deceased members who would have been covered under the said Scheme but for grant of this exemption, shall be that of the employer.

12. Upon the death of the member covered under the Group Insurance Scheme the Life Insurance Corporation of

India shall ensure prompt payment of the sum assured to the nominee(s)/legal heir(s) of the deceased member entitled for it and in any case within one month from the receipt of claim complete in all respect.

[No. 2/1959/DLI/Exemp/89/Pt. I]

नई दिल्ली, 13 जून, 1989

का.आ. 1636:—जहाँ अनुसूची 1 में उल्लिखित नियोजताओं ने (जिसे हमें इसके पश्चात् उक्त स्थापना कहा गया है) कर्मचारी भविष्य निधि और प्रकीर्ण उपबन्ध अधिनियम, 1952 (1952 का 19) की धारा 17 की उपधारा 2 (क) के अन्तर्गत छूट के लिए आवेदन किया है (जिसे इसमें इसके पश्चात् अधिनियम कहा गया है)।

चूंकि मैं, वी.एन.सोम, केन्द्रीय भविष्य निधि आयुक्त इस बात से संतुष्ट हूँ कि उक्त स्थापना के कर्मचारी कोई अलग अंशदान या प्रीमियम की अवयवी किये बिना जीवन बीमा के रूप में भारतीय जीवन बीमा निगम की सामूहिक बीमा स्कीम का लाभ उठा रहे हैं, जोकि ऐसे कर्मचारियों के लिए कर्मचारी निक्षेप सहबद्ध बीमा स्कीम, 1976 के अन्तर्गत स्वोकार्य लाभों से अधिक अनुकूल है (जिसे इसके इसमें पश्चात् स्कीम कहा गया है)।

अतः उक्त अधिनियम की धारा 17 की उपधारा 2 (क) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए तथा श्रम मंत्रालय भारत सरकार की अधिसूचना संख्या तथा तिथि जो प्रत्येक स्थापना के नाम के सामने दर्शायी गयी है के अनुसरण में तथा संलग्न अनुसूची में निर्धारित शर्तों के रहते हुए मैं, वी.एन.सोम उक्त स्कीम के सभी उपबन्धों के संचालन में प्रत्येक उक्त स्थापना की ओर 3 वर्ष की अवधि के लिए छूट प्रदान करता हूँ, जैसा कि उनके नाम के सामने दर्शाया गया है।

अनुसूची-I

क्रम सं.	स्थापना का नाम और पता	कोड संख्या	स्थापना की छूट दखाने के लिए भारत सरकार के अधिसूचना की संख्या तथा तिथि	पहले से प्रदान की गई छूट की समाप्ति की तिथि	अवधि जिसके लिए और छूट दी गई है
1.	मैसर्स: मैकैसी भारत इंजीनियरिंग कम्पनी लि.-प्रो.प्रो. कुमार घुसी, जि. घनबाद, बिहार-828203	बीघार/1227	एस-35014(171)84 एस.एस.-1 दिनांक 4-1-85	3-1-88	4-1-88 से 3-1-91
2.	मैसर्स : भारत रिक्रेड्रीज लि. भंडारीबाह-रिक्रेड्रीज-प्लॉट पी.प्रो.पंडारीबाह-829132 जि. गिरिबिह-बिहार	बीघार/2247	एस-35014(37)88 एस एस.-1 दिनांक 28-2-85	27-2-88	28-2-88 से 27-2-91

अनुसूची-II

1. उक्त स्थापना के सम्बन्ध में नियोजक (जिसे इसके पश्चात् नियोजक कहा गया है) सम्बन्धित क्षेत्रीय भविष्य निधि आयुक्त, को ऐसी विवरणियां भेजेगा और ऐसे लेखा रखेगा तथा निरीक्षण के लिए ऐसी सुविधाएं प्रदान करेगा जो केन्द्रीय भविष्य निधि आयुक्त, समय-समय पर निर्दिष्ट करें।
2. नियोजक, ऐसे निरीक्षण प्रभारों का प्रत्येक मास की समाप्ति के 15 दिन के भीतर संदाय करेगा जो केन्द्रीय सरकार, उक्त अधिनियम की धारा 17 की उपधारा (3-क) के खण्ड-क के अधीन समय-समय पर निर्दिष्ट करें।
3. सामूहिक बीमा स्कीम के प्रशासन में, जिसके अन्तर्गत लेखाओं का रखा जाना, विवरणियों का प्रस्तुत किया जाना, बीमा प्रीमियम का संदाय, लेखाओं का अन्तरण निरीक्षण प्रभार का संदाय आदि भी है, होने वाले सभी व्ययों का वहन नियोजक द्वारा किया जायेगा।
4. नियोजक, केन्द्रीय सरकार द्वारा अनुमोदित सामूहिक बीमा स्कीम के नियमों की एक प्रति और जब कभी उनमें संशोधन किया जाय, तब उस संशोधन की प्रति तथा कर्मचारियों की बहुसंख्या की भाषा में उसकी मुख्य बातों का अनुवाद स्थापना के सूचना पट्ट पर प्रदर्शित करेगा।
5. यदि कोई कर्मचारी भविष्य निधि का या उक्त अधिनियम के अधीन छूट प्राप्त किसी स्थापना को भविष्य निधि का पहले ही सदस्य है, उसको स्थापना में नियोजित किया जाता है तो, नियोजक सामूहिक बीमा स्कीम के सदस्य के रूप में उसका नाम तुरन्त दर्ज करेगा और उसकी बावत आवश्यक प्रीमियम भारतीय जीवन बीमा नियमों के अन्तर्गत करेगा।
6. यदि उक्त स्कीम के अधीन कर्मचारियों को उपलब्ध लाभ बढ़ाए जाते हैं तो नियोजक सामूहिक बीमा स्कीम के अधीन कर्मचारियों की उपबन्ध लाभों में समुचित रूप से वृद्धि किये जाने की व्यवस्था करेगा जिससे कि कर्मचारियों के लिए सामूहिक बीमा स्कीम के अधीन उपबन्ध लाभों से अधिक अनुकूल हो जो उक्त स्कीम के अधीन अनुश्रय है।
7. सामूहिक बीमा स्कीम में किसी बात के होते हुए भी यदि किसी कर्मचारी की मृत्यु पर इस स्कीम के अधीन संदेय राशि उस राशि से कम है जो कर्मचारी की उस दशा में संदेय होती जहाँ यह उक्त स्कीम के अधीन होता तो, नियोजक कर्मचारी के विधिवक वाग्नि/नाम निर्देशिनी को प्रतिकर के रूप में दोनों राशियों के अन्तर बराबर राशि का संदाय करेगा।
8. सामूहिक बीमा स्कीम के उपबन्धों में कोई भी संशोधन सम्बन्धित क्षेत्रीय भविष्य निधि आयुक्त के पूर्व अनुमोदन

के बिना नहीं किया जायेगा और जहाँ किसी संशोधन से कर्मचारियों के हित पर प्रतिकूल प्रभाव पड़ने की संभावना हो, वहाँ क्षेत्रीय भविष्य निधि आयुक्त अपना अनुमोदन देने से पूर्व कर्मचारियों को अपना दृष्टिकोण स्पष्ट करने का युक्तियुक्त अवसर देगा।

9. यदि किसी कारणवश स्थापना के कर्मचारी भारतीय जीवन बीमा निगम की उस सामूहिक बीमा स्कीम के अधीन नहीं रह जाता है या इस स्कीम के अधीन कर्मचारियों को प्राप्त होने वाले लाभ किसी रीति से कम हो जाते हैं तो यह रद्द की जा सकती है।

10. यदि किसी कारणवश नियोजक उस नियत तारीख के भीतर जो भारतीय जीवन बीमा निगम नियत करें, प्रीमियम का संदाय करने में असफल रहता है और पालिसी को व्ययगत हो जाने दिया जाता है तो, छूट रद्द की जा सकती है।

11. नियोजक द्वारा प्रीमियम के संदाय में किये गये किसी व्यक्तिगत दशा में उन मृत सदस्यों के नाम निर्देशितों या विधिवक वारिसों को जो यदि यह छूट न दी गई होती तो उक्त स्कीम के अन्तर्गत होते, बीमा लाभों के संदाय का उत्तरदायित्व नियोजक पर होगा।

12. उक्त स्थापना के सम्बन्ध में नियोजक इस स्कीम के अधीन आने वाले किसी सदस्य की मृत्यु होने पर उसके हकदार नामनिर्देशितों/विधिवक वारिसों को बीमाकृत राशि का संदाय तत्परता से और प्रत्येक दशा में भारतीय जीवन बीमा निगम से बीमाकृत राशि प्राप्त होने के सात दिन के भीतर सुनिश्चित करेगा।

[सं० 2/1959/डी० एल० आई/एकजैम/89/भाग-I]

New Delhi, the 13th June, 1989

S.O. 1636.—Whereas the employers of the establishments mentioned in Schedule I (hereinafter referred to as the said establishments) have applied for exemption under sub-section (2A) of Section 17 of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 (19 of 1952) (hereinafter referred to as the said Act);

And whereas, I, B. N. Som, Central Provident Fund Commissioner, is satisfied that the employees of the said establishments are, without making any separate contribution or payment of premium, in enjoyment of benefits under the Group Insurance Scheme of the Life Insurance Corporation of India in the nature of Life Insurance which are more favourable to such employees than the benefits admissible under the Employees' Deposit-Linked Insurance Scheme, 1976 (hereinafter referred to as the said Scheme);

Now, therefore, in exercise of the power conferred by sub-section (2A) of Section 17 of the said Act and in continuation of the Government of India in the Ministry of Labour notification No. and date shown against the name of each of the said establishment and subject to the conditions specified in Schedule II annexed hereto, I, B. N. Som, hereby exempt each of the said establishments from the operation of all the provisions of the said scheme for a further period of 3 years as indicated against their names.

SCHEDULE-I

Sl. No.	Name & address of the establishment	Code No.	No. & date of Govt. of India letter granting/ extending exemption to the estt.	Date of expiry of exemption already granted	Period for which exemption is further extended.
1	2	3	4	5	6
1.	M/s. Menally Bharat Engineering Co. Ltd., P.O. Kumardhabi, Distt. Dhanbad, Bihar-828203.	BR/1227	S-35014(171)84 SS-IV Dt. 4-1-85	3-1-88	4-1-88 to 3-1-91
2.	M/sr Bharat Refractories Ltd. Bhandaridah Refractories—Plant P.O. Bhandaridah-829132 Distt. Giridih, Bihar.	BR/2247	S-35014(3)85 SS-IV Dt. 28-2-85	27-2-88	28-2-88 to 27-2-91

SCHEDULE II

1. The employer in relation to each of the said establishment (hereinafter referred to as the employer) shall submit such returns to the Regional Provident Fund Commissioner concerned and maintain such accounts and provide such facilities for inspection, as the Central Provident Fund Commissioner may direct from time to time.

2. The employer shall pay such inspection, charges as the Central Government may, from time to time, direct under clause (a) of Sub-Section (3A) of Section 17 of the said Act, within 15 days from the close of every month.

3. All expenses involved in the administration of the Group Insurance Scheme, including maintenance of accounts, submission of returns, payment of insurance premia, transfer of accounts, payment of inspection charges etc. shall be borne by the employer.

4. The employer shall display on the Notice Board of the establishment, a copy of the rules of the Group Insurance Scheme as approved by the Central Government/Central Provident Fund Commissioner and as and when amended along-with translation of the salient features thereof in the language of the majority of the employees.

5. Whereas an employee, who is already a member of the Employees' Provident Fund or the Provident Fund of an establishment exempted under the said Act, is employed in his establishment, the employer shall immediately admit him as a member of the Group Insurance Scheme and pay necessary premium in respect of him to the Life Insurance Corporation of India.

6. The employer shall arrange to enhance the benefits available to the employees under the Group Insurance Scheme appropriately, if the benefits available to the employees under the said Scheme are enhanced, so that the benefits available under the Group Insurance Scheme are more favourable to the employees than the benefits admissible under the said scheme.

7. Notwithstanding anything contained in the Group Insurance Scheme, if on the death of an employee the amount payable under the Scheme be less than the amount that would be payable had the employee been covered under the said Scheme, the employer shall pay the difference to the nominee(s)/legal heir(s) of the employee as compensation.

8. No amendment of the provisions of the Group Insurance Scheme shall be made without the prior approval of the Regional Provident Fund Commissioner concerned and where any amendment is likely to affect adversely the interest of the employees, the Regional Provident Fund Commissioner shall

before giving his approval, give a reasonable opportunity to the employees to explain their point of view.

9. Where, for any reason, the employees of the said establishment do not remain covered under the Group Insurance Scheme of the Life Insurance Corporation of India as already adopted by the said establishment, or the benefits to the employees under this Scheme are reduced in any manner, the exemption shall be liable to be cancelled.

10. Where, for any reason, the employer fails to pay the premium etc. within the due date, as fixed by the Life Insurance Corporation of India, and the policy is allowed to lapse, the exemption shall be liable to be cancelled.

11. In case of default, if any made by the employer in payment of premium the responsibility for payment of assurance benefits to the nominee(s)/legal heir(s) of deceased members who would have been covered under the said Scheme but for grant of this exemption, shall be that of the employer.

12. Upon the death of the member covered under the Group Insurance Scheme the Life Insurance Corporation of India shall ensure prompt payment of the sum assured to the nominee(s)/legal heir(s) of the deceased member entitled for it and in any case within one month from the receipt of claim complete in all respect.

[No. 2/1959/DLI/Exemp]89[Pt. I]

नई दिल्ली, 11 जून, 1989

का.आ. 1637:- जहां अनुसूची 1 में उल्लिखित नियोक्ताओं ने (जिसे इसमें इसके पश्चात् उक्त स्थापना कहा गया है) कर्मचारी भविष्य निधि और प्रकीर्ण उपबन्ध अधिनियम, 1952 (1952 का 19) की धारा 17 की उपधारा 2 (क) के अन्तर्गत छूट के लिए आवेदन किया है (जिसे इसमें इसके पश्चात् उक्त अधिनियम कहा गया है) ।

चूंकि मैं, वी.एन. मोम, केन्द्रीय भविष्य निधि आयुक्त इस बात से संतुष्ट हूँ कि उक्त स्थापना के कर्मचारी कोई अलग अंशदान या प्रीमियम की अदायगी किये बिना जीवन बीमा के रूप में भारतीय जीवन बीमा निगम की सामूहिक बीमा स्कीम का लाभ उठा रहे हैं, जोकि ऐसे कर्मचारियों के लिए कर्मचारी निक्षेप सहबद्ध बीमा स्कीम, 1986 के

अन्तर्गत स्वीकार्य लाभों में अधिक अनुकूल है (जिसे इसमें इसके पश्चात् स्कीम कहा गया है) ।

अतः उक्त अधिनियम की धारा 17 की उपधारा 2 (क) द्वारा प्रदत्त शक्तियों का प्रयोग करने हुए तथा श्रम मन्त्रालय भारत सरकार की अधिसूचना संख्या तथा तिथि

जो प्रत्येक स्थापना के नाम के सामने दर्शायी गयी है के अनुसरण में तथा संलग्न अनुसूची में निर्धारित शर्तों में रहते हुए, बीमा एन.सी.एम. उक्त स्कीम के सभी उपबन्धों के संचालन में प्रत्येक स्थापना को और 3 वर्ष की अवधि के लिए छूट प्रदान करता है, जैसा कि उनके नाम के सामने दर्शाया गया है ।

अनुसूची I

क्षेत्र सम्मिलनाद

क्रम सं. स्थापना का नाम और पता	कोड संख्या	स्थापना की छूट बढ़ाने के लिए भारत सरकार के अधिसूचना की संख्या तथा तिथि	पहले से प्रदान की गई छूट की समाप्ति की तिथि	अवधि जिसके लिए और छूट दी गई है
1. मैसर्स कार्ली ब्राड स्टेनलेस स्टील फ्रेक्चरी, 42/6 टीएन 13344 बी-4 मद्रास रोड, मेला कावेरी, कुम्भाकोनम जि. तंजौर-612002	एस-35014 (132) 85 एस.एम.-4 दिनांक 4-6-85	एस-35014 (132) 85 एस.एम.-4 दिनांक 4-6-85	3-6-88	4-6-88 से 3-6-91
2. मैसर्स कार्ली एम.एच.एम. (प्रा.) लि. टीएन/1720 42/6 बी-1, मद्रास रोड, मेलाकावेरी-612002, कुलाकोनम ।	एस-35014 (129) 85 एस.एम.-4 दिनांक 10-6-85	एस-35014 (129) 85 एस.एम.-4 दिनांक 10-6-85	9-6-88	10-6-88 से 9-6-91
3. नेशनल फ्रास्टनर्ज प्रा. लि., एस-19, डैबल-पट प्लाट, इन्डस्ट्रियल स्टेट, एन्ड्री मद्रास-600032	टीएन/3579 35014 (39) 86 एस.एम.-2 दिनांक 18-2-86	टीएन/3579 35014 (39) 86 एस.एम.-2 दिनांक 18-2-86	17-2-89	18-2-89 से 17-2-92
4. मैसर्स थंजावुर टेक्सटाइलज, लि., बल्लमवन रोड-थंजावूर-613005	टीएन/4487 एस-35014 (138) 85 एस.एम.-4 दिनांक 4-6-85	टीएन/4487 एस-35014 (138) 85 एस.एम.-4 दिनांक 4-6-85	3-6-88	4-6-88 से 3-6-91
5. मैसर्स शिवानन्दा स्टील लि., इन्डस्ट्रियल/स्टेट, एनटी/6361 मद्रास-58	एस-35014 (227) 86 एस.एम.-2 दिनांक 29-8-86	एस-35014 (227) 86 एस.एम.-2 दिनांक 29-8-86	7-1-89	8-1-89 से 7-1-92

अनुसूची II

1. उक्त स्थापना के सम्बन्ध में नियोजक (जिसे इसमें इसके पश्चात् नियोजक कहा गया है) सम्बन्धित क्षेत्रीय भविष्य निधि आयुक्त, को ऐसी विवरणियां भेजेगा और ऐसे लेखा रखेगा तथा निरीक्षण के लिए ऐसी सुविधाएं प्रदान करेगा जो केन्द्रीय भविष्य निधि आयुक्त, समय-समय पर निर्दिष्ट करें ।

2. नियोजक, ऐसे निरीक्षण प्रभारों का प्रत्येक माम की समाप्ति के 15 दिन के भीतर संदाय करेगा जो केन्द्रीय सरकार, उक्त अधिनियम की धारा 17 की उपधारा (3-क) के खण्ड-क के अधीन समय-समय पर निर्दिष्ट करें ।

3. सामूहिक बीमा स्कीम के प्रशासन में, जिसके अन्तर्गत लेखाओं का रखा जाना, विवरणियों का प्रस्तुत किया जाना, बीमा प्रीमियम का संदाय, लेखाओं का अन्तरण, निरीक्षण प्रकार का संदाय आदि भी है, होने वाले सभी व्ययों का वहन नियोजक द्वारा दिया जायेगा ।

4. नियोजक, केन्द्रीय सरकार द्वारा अनुमोदित सामूहिक बीमा स्कीम के नियमों की एक प्रति और जब कभी उनमें संशोधन किया जाये, तब उस संशोधन की प्रति तथा कर्मचारियों

की बहुसंख्या की भाषा में उसकी मुख्य बातों का अनुवाद स्थापना के सूचना पट्ट पर प्रदर्शित करेगा ।

5. यदि कोई ऐसा कर्मचारी भविष्य निधि का या उक्त अधिनियम के अधीन छूट प्राप्त किसी स्थापना की भविष्य निधि का पहले ही सदस्य है, उसको स्थापना में नियोजित किया जाता है तो, नियोजक सामूहिक बीमा स्कीम के सदस्य के रूप में उसका नाम तुरन्त दर्ज करेगा और उसकी बाबत आवश्यक प्रीमियम भारतीय जीवन बीमा निगम को संदत्त करेगा ।

6. यदि उक्त स्कीम के अधीन कर्मचारियों को उपलब्ध लाभ बढ़ाये जाते हैं तो नियोजक सामूहिक बीमा स्कीम के अधीन कर्मचारियों की उपबन्ध लाभों में समुचित रूप से वृद्धि किये जाने की व्यवस्था करेगा जिसे कि कर्मचारियों के लिए सामूहिक बीमा स्कीम के अधीन उपलब्ध लाभों में अधिक अनुकूल हो जो उक्त स्कीम के अधीन अनुज्ञेय है ।

7. सामूहिक बीमा स्कीम में किसी बात के होते हुए भी यदि किसी कर्मचारी की मृत्यु पर उस स्कीम के अधीन संदेय गणि उस गणि से कम है जो कर्मचारी को उस दशा

में संदेय होगी जब वह उक्त स्कीम के अधीन होता तो, नियोजक कर्मचारी के विधि क वारिस/नाम निर्देशिती को प्रतिकर के रूप में दोनों राशियों के अन्तर बराबर राशि का संदाय करेगा ।

8. सामूहिक बीमा स्कीम के उपबन्धों में कोई भी संशोधन सम्बन्धित क्षेत्रीय भविष्य निधि आयुक्त के पूर्व अनुमोदन के बिना नहीं किया जायेगा और जहां किसी संशोधन से कर्मचारियों के हित पर प्रतिकूल प्रभाव पड़ने की संभावना हो, वहां क्षेत्रीय भविष्य निधि आयुक्त अपना अनुमोदन देने से पूर्व कर्मचारियों को अपना दृष्टिकोण स्पष्ट करने का युक्ति-युक्त अवसर देगा ।

9. यदि किसी कारणवश स्थापना के कर्मचारी भारतीय जीवन बीमा निगम की उम सामूहिक बीमा स्कीम के, जिसे स्थापना पहले अपना चुकी है अधीन नहीं रह जाता है या इस स्कीम के अधीन कर्मचारियों को प्राप्त होने वाले लाभ किसी रीति में कम हो जाते हैं तो यह रद्द की जा सकती है ।

10. यदि किसी कारणवश नियोजक उस नियत तारीख के भीतर जो भारतीय जीवन बीमा निगम नियत करें, प्रीमियम का संदाय करने में असफल रहता है और पालिसी को व्ययगत हो जाने दिया जाता है तो, छूट रद्द की जा सकती है ।

11. नियोजक द्वारा प्रीमियम के संदाय में किये गये किसी व्यक्तिगत की दशा में उन मृत सदस्यों के नाम निर्देशितों या विधिक वारिसों को जो यदि यह छूट न दी गई होती तो उक्त स्कीम के अन्तर्गत होते, बीमा लाभों के संदाय का उत्तर-दायित्व नियोजक पर होगा ।

12. उक्त स्थापना के सम्बन्ध में नियोजक इस स्कीम के अधीन आने वाले किसी सदस्य की मृत्यु होने पर उसके हकदार नाम निर्देशितों/विधिक वारिसों को बीमाकृत राशि का संदाय तत्परता से और प्रत्येक दशा में भारतीय जीवन बीमा निगम से बीमाकृत राशि प्राप्त हो के सान दिन के भीतर सुनिश्चित करेगा ।

[संख्या 2/1959/डी.एल.आई./एकजम/89/भाग-1]

बी.एन. सोम, केन्द्रीय भविष्य निधि आयुक्त

New Delhi, the 14th June, 1989

S.O. 1637.—Whereas the employers of the establishments mentioned in Schedule I (hereinafter referred to as the said establishments) have applied for exemption under sub-section (2A) of Section 17 of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 (19 of 1952) (hereinafter referred to as the said Act);

And whereas, I, B. N. Som, Central Provident Fund Commissioner, is satisfied that the employees of the said establishments are, without making any separate contribution or payment of premium, in enjoyment of benefits under the Group Insurance Scheme of the Life Insurance Corporation of India in the nature of Life Insurance which are more favourable to such employees than the benefits admissible under the Employees' Deposit Linked Insurance Scheme, 1976 (hereinafter referred to as the said Scheme);

Now, therefore, in exercise of the power conferred by Sub-Section (2A) of Section 17 of the said Act and in continuation of the Government of India in the Ministry of Labour notification No. and date shown against the name of each of the said establishment and subject to the conditions specified in Schedule II annexed hereto, I, B. N. Som, hereby exempt each of the said establishments from the operation of all the provisions of the said scheme for a further period of 3 years as indicated against their names.

SCHEDULE-I

Sl. No.	Name & Address of the Establishment.	Code No.	No. & Date of Govt. of India letter granting/ extending exemption to the establishment.	Date of expiry of exemption already granted.	Period for which exemption is further extended.
(1)	(2)	(3)	(4)	(5)	(6)
1.	M/s. Kali Brand Stainless Steel Factory, 42/6B-4, Madras Road, Molkaveri-617002, Kumbakonam, Distt. Tanjore.	TN/13344	S-35014 (132) 85 SS-IV dated 4-6-85	3-6-88	4-6-88 to 3-6-91
2.	M/s. National Fasteners Pvt. Ltd., S-19, Developed Plot Industrial Estate, Guindy, Madras-600032.	TN/3579	S-35014 (39) 86 SS-II dated 18-2-89	17-2-89	18-2-89 to 17-2-92
3M	M/s. Thanjavur Textiles Ltd., Vallam One Road, Thanjavur - 613005.	TN/4487	S-35014/138/85-SS-IV dated 4-6-85	3-6-88	4-6-88 to 3-6-91
4.	M/s. Sivanandha Steel Ltd. Plot No. 18 to 20, Ambattur Industrial Estate—Ambattur Madras-600058.	TN/6361	S-35014/227/86-SS-II dated 29-8-86	7-1-89	8-1-89 to 7-1-92
5.	M/s. Kali MHS Private Ltd., 42/6B-I, Madras Road, Molkaveri-612002, Kumbakonam.	TN/17020	S-35014 (129)/85-SS-IV dated 10-6-8	9-6-88	10-6-88 to 9-6-91

SCHEDULE II

1. The employer in relation to each of the said establishment (hereinafter referred to as the employer) shall submit such returns to the Regional Provident Fund Commissioner concerned and maintain such accounts and provide such facilities for inspection, as the Central Provident Fund Commissioner may direct from time to time.

2. The employer shall pay such inspection charges as the Central Government may, from time to time, direct under clause (a) of Sub-Section (3A) of Section 17 of the said Act, within 15 days from the close of every month.

3. All expenses involved in the administration of the Group Insurance Scheme, including maintenance of accounts, submission of returns, payment of insurance premia, transfer of accounts, payment of inspection charges etc. shall be borne by the employer.

4. The employer shall display on the Notice Board of the establishment, a copy of the rules of the Group Insurance Scheme as approved by the Central Government/Central Provident Fund Commissioner and, as and when amended, alongwith translation of the salient features thereof in the language of the majority of the employees.

5. Whereas an employee, who is already a member of the Employers' Provident Fund or the Provident Fund of an establishment exempted under the said Act, is employed in his establishment, the employer shall immediately admit him as a member of the Group Insurance Scheme and pay necessary premium in respect of him to the Life Insurance Corporation of India.

6. The employer shall arrange to enhance the benefits available to the employees under the Group Insurance Scheme appropriately, if the benefits available to the employees under the said Scheme are enhanced, so that the benefits available under the Group Insurance Scheme are more favourable to the employees than the benefits admissible under the said scheme.

7. Notwithstanding anything contained in the Group Insurance Scheme, if on the death of an employee the amount payable under the Scheme be less than the amount that would be payable had the employee been covered under the said Scheme, the employer shall pay the difference to the nominee(s)/legal heir(s) of the employee as compensation.

8. No amendment of the provisions of the Group Insurance Scheme shall be made without the prior approval of the Regional Provident Fund Commissioner concerned and where any amendment is likely to affect adversely the interest of the employees, the Regional Provident Fund Commissioner shall before giving his approval, give a reasonable opportunity to the employees to explain their point of view.

9. Where, for any reason, the employees of the said establishment do not remain covered under the Group Insurance Scheme of the Life Insurance Corporation of India as already adopted by the said establishment, or the benefits to the employees under this Scheme are reduced in any manner, the exemption shall be liable to be cancelled.

10. Where, for any reason, the employer fails to pay the premium etc. within the due date, as fixed by the Life Insurance Corporation of India, and the policy is allowed to lapse, the exemption shall be liable to be cancelled.

11. In case of default, if any made by the employer in payment of premium the responsibility for payment of assurance benefits to the nominee(s)/legal heirs of deceased members who would have been covered under the said Scheme but for grant of this exemption, shall be that of the employer.

12. Upon the death of the member covered under the Group Insurance Scheme the Life Insurance Corporation of India shall ensure prompt payment of the sum assured to the nominee(s)/legal heir(s) of the deceased member entitled

for it and in any case within one month from the receipt of claim complete in all respect.

[No. 2/1959/DLI/Exemp[89]/Pt. I]

B. N. SOM, Central Provident Fund Commissioner

शहरी विकास मंत्रालय

(मंत्रालय निदेशालय)

नई दिल्ली, 6 जुलाई, 1989

का. आ. 1638.—राष्ट्रपति, सरकारी निवास-स्थान आवंटन (दिल्ली में साधारण पूल) नियम, 1963 के का. नि. 317 ख-2 खंड (ख) के अनुमरण में, 1 जनवरी, 1990 को आरंभ होने वाली और 31 दिसंबर, 1991 को समाप्त होने वाली अवधि को अगले आवंटन वर्ष की अवधि के रूप में अधिसूचित करने हैं।

[फा. सं. 12033 (1)/89-पॉल. II]

MINISTRY OF URBAN DEVELOPMENT

(Directorate of Estate)

New Delhi, the 6th July, 1989

S.O. 1638.—In pursuance of clause (b) of SR. 317-B-2 of the Allotment of Government Residences (General Pool in Delhi) Rules, 1963, the President hereby notifies the period commencing on the 1st day of January, 1990 and ending on the 31st day of December, 1991, as the period of next allotment year.

[F. No. 12033(1)/89-Pol. II]

का. आ. 1639.—राष्ट्रपति, सरकारी निवास-स्थान आवंटन (गाजियाबाद में साधारण पूल) नियम, 1979 के का. नि. 317 ए. आर-2 के खंड (ख) के अनुमरण में, 1 जनवरी, 1990 को आरंभ होने वाली और 31 दिसंबर, 1991 को समाप्त होने वाली अवधि को अगले आवंटन वर्ष की अवधि के रूप में अधिसूचित करने हैं।

[फा. सं. 12033(1) 89 पॉल-II]

S.O. 1639.—In pursuance of clause (b) of SR 317-AR-2 of the Allotment of Government Residences (General Pool in Ghaziabad) Rules, 1979, the President hereby notifies the period commencing on the 1st day of January, 1990 and ending on the 31st day of December, 1991, as the period of next allotment year.

[F. No. 12033(1)/89-Pol. II]

का. आ. 1640.—राष्ट्रपति, सरकारी निवास-स्थान आवंटन (हवेली में साधारण पूल) नियम, 1979 के का. नि. 317 ए. एस-2 के खंड (ख) के अनुमरण में, 1 जनवरी, 1990 को आरंभ होने वाली और 31 दिसंबर, 1991 को समाप्त होने वाली अवधि को अगले आवंटन वर्ष की अवधि के रूप में अधिसूचित करने हैं।

[फा. सं. 12033 (1) 89-पॉल-II]

आर. एस. चीमा, उप निदेशक संस्था (प)

S.O. 1640.—In pursuance of clause (b) of SR-317 AS-2 of the Allotment of Government Residences (General Pool in Indore) Rules, 1979, the President hereby notifies the period commencing on the 1st day of January, 1990 and ending on the 31st day of December, 1991, as the period of next allotment year.

[F. No. 12033(1)/89-Pol. II]

R. S. CHEEMA, Dy. Director of Estates (P)

